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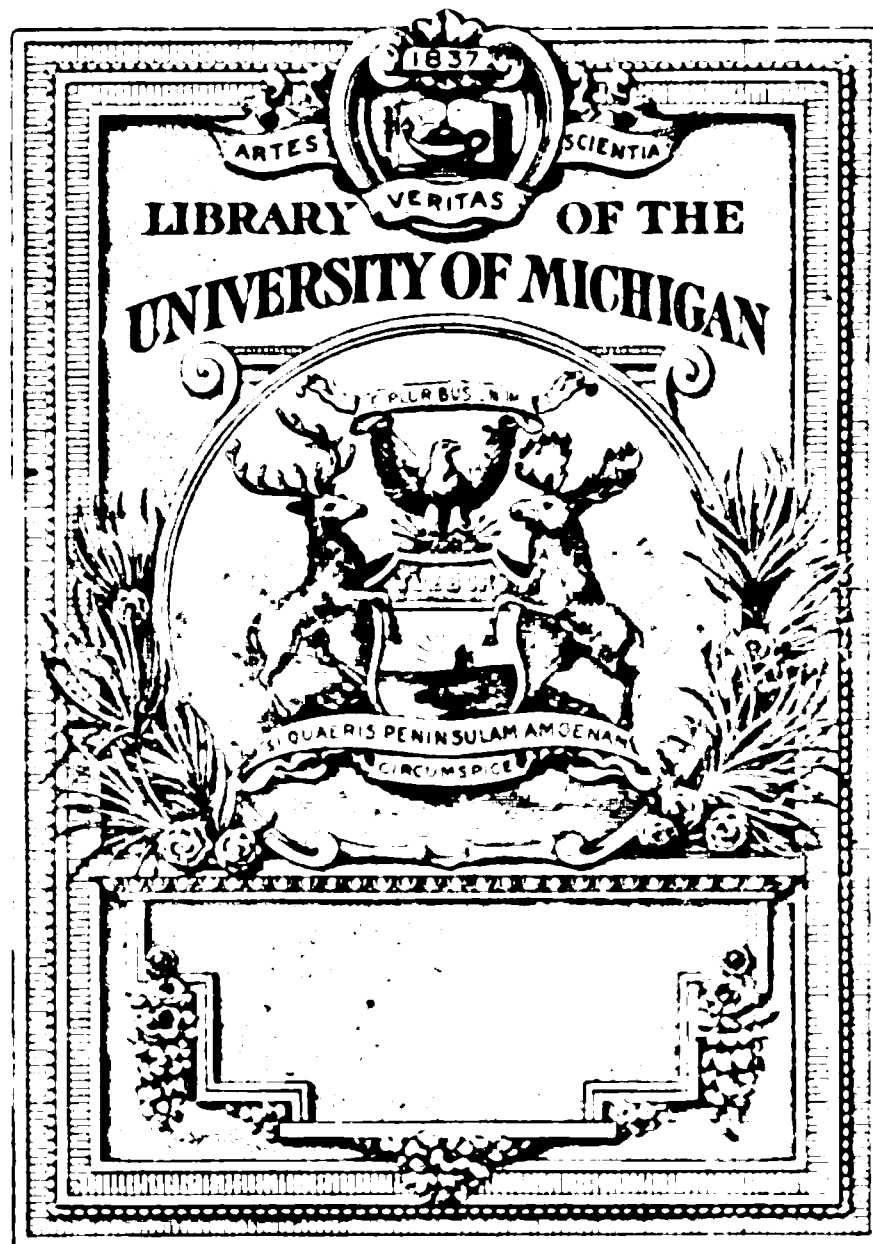
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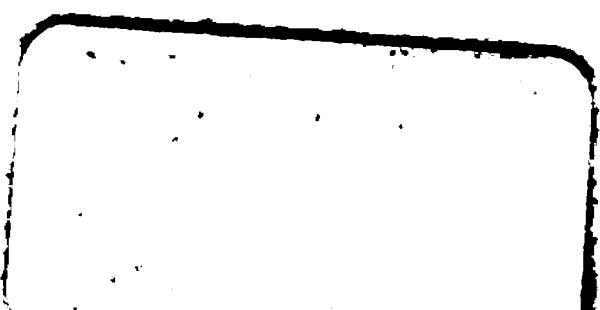
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ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN,

PASSED AT THE

REGULAR SESSION OF 1869.

VOL. II.

BY AUTHORITY.

LANSING:

W. S. GEORGE & CO., PRINTERS TO THE STATE.

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LAWS OF MICHIGAN.

[No. 171.]

AN ACT for the approval of the official bonds of certain county officers in the counties composing the twelfth judicial circuit.

SECTION 1. *The People of the State of Michigan enact,* That the official bonds of all county officers elected at the last general election, in the several counties composing the twelfth judicial circuit, which are required by law to be approved by the circuit judge, may be approved by the judge of probate of the county for which such officers were respectively elected. Judge of probate may approve bonds.

Sec. 2. This act shall take immediate effect.

Approved January 9, 1869.

[No. 172.]

AN ACT to extend the time for the collection of taxes in the township of Thornapple, in the county of Barry, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of the taxes in the township of Thornapple, in the county of Barry, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first Monday in March next. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of said warrant, and to make return to the county treasurer at any time before the first Monday in March next, and said warrant is hereby continued in full force and virtue until that time. Powers of treasurer. Warrant continued in force.



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Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of said warrant, and to make return to the county treasurer at any time before the first Monday in March next, and said warrant is hereby continued in full force and virtue until that time. Powers of treasurer. Warrant continued in force.

Bond
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer.

Collection
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall by him be returnable to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 15, 1869.

[No. 173.]

AN ACT to extend the time for the collection of taxes assessed for the construction of ditches in the township of Fair Grove, in the county of Tuscola.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of the taxes assessed in the township of Fair Grove, in the county of Tuscola, for the year eighteen hundred and sixty-eight, for the construction of ditches in said township, be and the same is hereby extended until the first day of September, in the year eighteen hundred and sixty-nine.

Powers of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return at any time before the first day of September next, and said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first day of September next.

Warrant
continued in
force.

Bond
renewed

Sec. 3. It shall be the duty of the treasurer of the said township to pay over all moneys collected for the establishment

and construction of ditches during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all lands in said township upon which there shall be any unpaid ditch taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner as though this act had not passed: *Provided*, Interest on such unpaid taxes is computed only from the first day of September next: *And provided further*, That said lands delinquent for said ditch taxes may be sold in the same manner as other lands returned to the Auditor General delinquent for taxes for the year eighteen hundred and sixty-nine.

Sec. 5. This act shall take immediate effect.

Approved January 20, 1869.

[No. 174.]

AN ACT to authorize school district number seven, of the township of Pennfield, in the county of Calhoun, to issue bonds for the purpose of building a school-house.

SECTION 1. *The People of the State of Michigan enact*, That school district number seven, of the township of Pennfield, in the county of Calhoun, is hereby authorized to issue bonds, to an amount not exceeding fifteen hundred dollars, payable in one, two, and three years, and drawing interest not exceeding ten per cent., and payable annually, for the purpose of building a school-house in said district: *Provided*, Said school district shall, at a regular or special meeting, called on due notice, so direct, by the votes of a majority of the electors there assembled.

Sec. 2. This act shall take immediate effect.

Approved January 20, 1869.

[No. 175.]

AN ACT to change the name of the village of Vienna, in the county of Monroe, to that of Erie.

Name
changed.

SECTION 1. *The People of the State of Michigan enact, That the name of the village of Vienna, in the county of Monroe, be and the same is hereby changed to Erie.*

Approved January 20, 1869.

[No. 176.]

AN ACT to extend the time for the collection of taxes in the township of Richmond, in the county of Macomb.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Richmond, county of Macomb, for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first day of March, eighteen hundred and sixty-nine.*

Powers of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make his return at any time before the first day of March next, and the said warrant is hereby revived, and continued in full force and virtue for the purpose aforesaid, until the first day of March next.

Warrant
continued in
force.

Bond
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Macomb.

Collection of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for

the year eighteen hundred and sixty-eight, duly returned to the Auditor General.

Sec. 5. This act shall take immediate effect.

Approved January 20, 1869.

[No. 177.]

AN ACT to legalize the tax rolls of the township of Adams, in the county of Houghton, for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight.

SACRION 1. *The People of the State of Michigan enact, That* ^{Tax roll legalized.} the tax rolls of the township of Adams, in the county of Houghton, for each of the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, be and the same are hereby declared legal and valid as though the school taxes for said years had only been levied upon the property subject to taxation, for school purposes.

Sec. 2. This act shall take immediate effect.

Approved January 20, 1869.

[No. 178.]

AN ACT to legalize the tax-roll of the township of Ingersoll, in the county of Midland, for the year eighteen hundred and sixty-eight.

SACRION 1. *The People of the State of Michigan enact, That* ^{Tax roll legalized.} the tax-roll for the township of Ingersoll, in the county of Midland, for the year one thousand eight hundred and sixty-eight, be and hereby is declared to be as legal and valid as though the tax spread upon said roll for school purposes, for school district number two, of said township, had been voted at the annual meeting of said school district, for the year one thousand eight hundred and sixty-eight.

Sec. 2. This act shall take immediate effect.

Approved January 20, 1869.

[No. 179.]

AN ACT to authorize the city of Lansing, in the county of Ingham, to vote aid to the Ionia & Lansing Railroad Company, under the provisions of Act No. 324 of session laws of 1865.

Authorized
to vote aid
and pledge
credit.

SECTION 1. *The People of the State of Michigan enact, That the city of Lansing, in the county of Ingham, be and is hereby authorized to vote aid to the Ionia & Lansing Railroad Company, under and in accordance with the provisions of Act No. 324 of the session laws of 1865, entitled "An act to authorize the several townships in the counties of Ingham, Clinton, Eaton, and Ionia to pledge their credit to raise by tax, or borrow money, to aid in the construction of a railroad from the village of Ionia, in Ionia county, to the city of Lansing, in Ingham county," in the same manner and to the same extent as though originally named in and authorized by said act.*

Sec. 2. This act shall take immediate effect.

Approved January 20, 1869.

[No. 180.]

AN ACT to legalize the returns of taxes for the county of Shiawassee, for the year 1867.

Tax legalized

SECTION 1. *The People of the State of Michigan enact, That the tax returns of the county of Shiawassee for the year one thousand eight hundred and sixty-seven, and all the proceedings for the collection and payment of taxes under and by virtue thereof, be and the same are hereby declared to be as legal and valid as though the treasurer of said county of Shiawassee had made his returns within the time prescribed by law, to the Auditor General.*

Sec. 2. This act shall take immediate effect.

Approved January 23, 1869.

[No. 181.]

AN ACT to provide for fixing the time for holding the circuit courts in the twelfth judicial circuit.

SECTION 1. *The People of the State of Michigan enact, That* ^{Circuit judge authorized to fix time for holding court.} the judge of the twelfth judicial circuit shall have the right and is authorized to fix the time for holding the circuit courts in said circuit for the year one thousand eight hundred and sixty-nine, and when fixed, to give the same notice as is required by existing law.

Sec. 2. This act shall take immediate effect.

Approved January 23, 1869.

[No. 182.]

AN ACT to extend the boundaries and to grant a new charter to the village of Quincy.

SECTION 1. *The People of the State of Michigan enact, That all* ^{Boundaries.} that tract of country situate in the township of Quincy, county of Branch, and State of Michigan, designated and known by the United States survey as the south-west quarter, the west half of the south-east quarter, and the west half of the south-west quarter of the north-west quarter of section number fifteen; the south-east quarter, the south-east quarter of the south-west quarter, and the south-east quarter of the north-east quarter of section number sixteen; the north-east quarter of the north-west quarter, and the north half of the north-east quarter of section number twenty-one; and the north half of the north-west quarter of section number twenty-two, in township number six south, of range number five west, be and the same is hereby constituted a town corporate, by the name of "the village of Quincy."

Sec. 2. The first election of officers for said village under this ^{Election, when and where held.} act shall be held on the first Tuesday in March, in the year one thousand eight hundred and sixty-nine, under the rules and

regulations of the corporate powers of said village, granted October 14, 1858, by the board of supervisors of the county of Branch, by virtue of the powers vested in them so to do, as shown in chapter 72 of the compiled laws of the State of Michigan, entitled "An act to provide for the incorporation of villages," and all subsequent elections shall be held on the first Tuesday in March in each year thereafter, at such place in said village as the president, or in his absence, the recorder, may appoint.

Inspectors
and clerk of
election.

Polls, when
opened and
closed.

Proviso.

Sec. 3. The president and trustees, or any three of them, shall constitute the board of inspectors at all elections held under and by virtue of this act, and the recorder of said village shall be the clerk thereof; the polls at all elections herein provided for shall be opened between the hours of nine and ten o'clock in the forenoon, and shall close at three o'clock in the afternoon of the same day: *Provided*, Said board of inspectors may, in their discretion, adjourn one hour within such time; and all the laws of this State in relation to the election of township officers, canvass of votes, certifying the election of officers, and notifying them of their election, not herein provided for, shall apply to all election[s] of officers in said village.

Qualification
of voters.

Sec. 4. Every person residing in said village, qualified to vote for township officers, shall be entitled to vote at any election in said village.

Canvass of
votes.

Sec. 5. The board of inspectors of elections shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a statement of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which they shall have been given; which statement shall be kept on file in the office of the recorder of said village.

Electors
only, eligible
to office.

Majority
vote to elect.

Sec. 6. No person not an elector shall be eligible to any office in said village; and the persons eligible, and having the greatest number of votes at any election therein, shall be declared elected; and if two or more persons shall have an equal

and the greatest number of votes for the same office, the board ^{Tie.} of inspectors shall forthwith determine, by lot, which shall be deemed elected.

Sec. 7. Every person elected at any election under the pro- ^{Notification}visions of this act, and whose name is entered on the poll list ^{of election.} as a voter thereat, shall be deemed notified of his election; and every person so elected, whose name shall not be so entered, shall be notified of his election within five days thereafter by the recorder.

Sec. 8. The officers of said village shall be a president and ^{Officers.} recorder, who shall hold their offices respectively for two years, six trustees, one assessor, one treasurer, one marshal, one street commissioner, one fire warden, and one pound-master, who ^{Terms of} shall hold their respective offices for the term of one year, and ^{office.} until their successors shall be elected and qualified.

Sec. 9. Every officer elected in said village shall, within ten ^{Official oath.} days after he shall have been notified of his election, take and subscribe the oath of office prescribed by the constitution, before any person authorized to administer oaths, and file the same with the recorder.

Sec. 10. Whenever a vacancy shall occur in any of the offices ^{Vacancy.} provided by this act, whether by death, removal from office, ^{how filled.} resignation, or otherwise, it shall be filled for the unexpired term thereof by appointment by the common council; and when such vacancy shall have been so filled, the person so appointed shall hold such office until his successor shall be elected and qualified. .

Sec. 11. The treasurer and marshal shall respectively, before ^{Security of} they enter upon the exercise of the duties of their respective ^{treasurer} offices, give such security for the faithful discharge of the ^{and marshal.} trusts reposed in them, as the common council may direct and require.

Sec. 12. The recorder shall give at least ten days notice of ^{Notice of} any election, by posting notices thereof in three public places ^{election.} in said village, of the time and place of holding such election.

President
and recorder,
duties of.

Sec. 13. The president shall preside at all the meetings of the common council, but in case of his absence the trustees may appoint one of their number to preside *pro tem.*; and the recorder shall keep an accurate record of the proceedings, and in the absence of the recorder, the trustees may appoint some other suitable person to act as recorder, under their supervision and control.

Body corpo-
rate, how
known.

Sec. 14. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "The Common Council of the village of Quincy;" and by that name they and their successors shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded, and of defending and being defended in all courts and places, and may have a common seal, and may alter and change the same at their pleasure; and by that name may purchase, hold, and convey real and personal estate for the use of said corporation, and a majority of the common council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Seal.

Quorum of
council.

Meetings.

Sec. 15. The common council shall hold their meetings at such time and place as the president, or, in his absence, the recorder may appoint; provided, that whenever five or more freeholders of said village shall petition the president, or, in his absence, the recorder, he shall forthwith issue an order to convene said council. The common council, when lawfully organized, for sufficient cause, may expel any member of their body, and remove any officer of said village, by a vote of two-thirds of all the members thereof: *Provided*, That no member shall be expelled, or officer removed, until he shall have had three days notice personally served by reading the same, or by leaving a copy thereof at his usual place of residence, stating the charges preferred against him, the time when and the place where the council will meet for the consideration thereof, and shall have the right to be heard by himself or counsel

Members
may be ex-
pelled.

Proviso.

in his defence; and said council shall have power to impose, Fines.
levy, and collect such fines as they may deem proper for the
non-attendance of members thereof at any meeting of said
council: *Provided*, That no such fine shall exceed five dollars. Proviso.

Sec. 16. The common council shall have power to raise by Common
council;
power and
duties of.
general tax, levied upon the taxable property liable to be as-
sessed in said village, not exceeding one per cent. in any one
year, for the following purposes:

For purchasing fire engines and the necessary apparatus Fire engine,
etc.
therefor, and implements for hook and ladder companies; but
no tax shall be raised for procuring more than one fire engine
for every one thousand inhabitants;

For purchasing or leasing the necessary grounds, and erect- Ground for
engine
house.
ing a suitable engine house for every fire engine and ap-
paratus, or for hiring suitable places for keeping them;

For making and maintaining such public wells, cisterns, and Wells and
cisterns.
other reservoirs of water, and for procuring the necessary
fixtures therefor;

For procuring the necessary ground and erecting a pound, Pound.
and for keeping the same in repair;

For purchasing, fencing, ornamenting, and improving ground Cemetery.
for a cemetery, or burial place;

For laying out, opening, improving, and working the high- Highways
and streets.
ways, streets, lanes, and alleys;

For making and repairing cross-walks, opening and paving Sewers and
water-
courses.
sewers and water-courses, and grading the streets, lanes, and
alleys, and in improving the public grounds;

For erecting and maintaining a village prison, and for Prison.
purchasing or leasing the necessary ground therefor;

For purchasing or leasing the necessary grounds, and Public hall.
erecting a public hall for the use of said village;

For compensation for services of village officers, and for Compensa-
tion of vil-
lage officers,
etc.
incidental purposes.

Sec. 17. The common council shall have power to appoint Common
council; fur-
ther powers
and duties
of.
all other officers necessary under the provisions of this act,
whose elections are not otherwise provided for; to make ordi-

Appointm't of officers.	nances and laws relative to the duties, powers, and fees of the several village officers; relative to the time and manner of
Streets.	working upon the streets, commons, lanes, and alleys; relative
Taxes.	to the time and manner of assessing, levying, and collecting all highway and other taxes; relative to the prevention, removal,
Nuisances.	and abatement of nuisances; to erect and maintain a village
Prison.	prison, and to imprison therein any person arrested for or convicted of a violation of any village law or ordinance: <i>Pro-</i>
Limit of con- finement in.	<i>vided</i> , That no person shall be imprisoned therein for a longer period than thirty days for one offense: and any person arrested for a violation of any law of this State may be imprisoned therein during the time between arrest and trial, or
Proviso.	examination: <i>Provided</i> , That all expenses thereby incurred shall be chargeable to the county lawfully interested in such arrest; and to make all needful rules and regulations for the
Sewers	government thereof; to construct sewers, cisterns, and reser-
Showmen and gaming.	voirs; to dig and maintain public wells; to license showmen; to
Fire buckets	suppress gaming; to compel the owners of buildings to keep
Building limits.	fire buckets; to establish the line parallel to and bounding the streets and highways upon which buildings may be erect-
Paving streets, and assessing expense of.	ed, and beyond which buildings shall not extend; to pave the streets, lanes, and alleys, and to build and repair sidewalks, and to assess the expense thereof on the lots or premises in
Bridges.	front of which such improvement shall be made; to regulate bridges; to protect the property of the citizens of said village
Meetings of electors.	from fires; relative to calling meetings of the electors; relative
Gunpowder.	to the keeping and sale of gunpowder; relative to restraining
Pounds.	horses and other animals from running at large; to establish,
Billiards.	maintain, and regulate one or more pounds; to suppress bil-
Disorderly persons and vagrants.	liards and other gaming tables kept for hire, gain, or reward; for the suppression of riots; for preventing and suppressing disorderly houses, or houses of ill-fame; for the apprehension and punishment of vagrants, drunkards, disorderly and idle
Firewood.	persons; to regulate the measurement of firewood, and weigh-
	ing of hay; to prescribe stands for carts or drays, and for wood, hay, and produce exposed for sale; to prevent and pun-

ish immoderate driving in any of the streets of said village; Immoderate driving.
to prevent incumbering the streets, sidewalks, alleys, or public
grounds, and to regulate all grave-yards or cemeteries belong- Cemeteries.
ing to said village; to preserve shade and ornamental trees; to Trees.
impose fines, penalties, imprisonment, and forfeitures on all Fines and forfeitures.
persons offending against the laws and ordinances made as
aforesaid; and all fines and forfeitures, imposed and collected
for a violation of any village law or ordinance, shall be paid
over to the village treasurer by the justice collecting the same,
as prescribed by the laws and ordinances of said village; and Laws and ordinances.
to make all such laws and ordinances as to them shall seem
necessary for the safety and good government of said village
and inhabitants, not inconsistent with this act or the laws of
this State: *Provided*, That no law or ordinance other than Proviso.
those now in force in said village shall have any effect, until
the same shall have been published three successive weeks, in
a newspaper printed in said village, or by posting up the same
in three public places therein.

Sec. 18. The common council shall have power to lay out Common council may lay out water courses, highways, etc.
and establish, open, make, and alter such streets, lanes, and
alleys, crosswalks, highways, water-courses, and bridges, within
the limits of said village, as they may deem necessary for the
public convenience; and if, in doing so, they shall require for Private property taken.
such purposes the grounds of any person, they shall give notice
thereof to the owner or parties interested, or his or their agent
or representative, by personal service, or by written notice,
posted up in three of the most public places in said village, at
least three weeks next preceding the meeting of the common
council for the consideration thereof; and the common council
are hereby authorized to treat with such persons for such
grounds or premises; and if such person shall neglect or refuse Proceedings when damage is not agreed upon.
to treat for the same, or if the parties cannot agree therefor, it
shall be lawful for the common council to order the recorder of
said village to issue a *venire facias*, to command the marshal of
said village, or any constable of said county, to summon and
return a jury of six disinterested freeholders, to be taken with-

Award by
jury.

Judgment
confirmed.

Proviso.

Ibid.

out the limits of said village, to appear before any justice of the peace residing in said village, at any time therein stated, to inquire into and assess the damages, and recompense the owner or owners of or parties interested in such grounds or premises; which jury, being first duly sworn by such justice, faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages, and recompense as they shall judge fit to be awarded to the owner of or parties interested in such grounds or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, alley, sidewalk, highway, or bridge shall be made, opened, established, or altered, to the claimants thereof. But if such jury shall find that the said claimant is not entitled to any damages, then it shall be competent for said justice to enter judgment against such claimant for costs, and to issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid: *Provided*, That any party claiming damages may remove such proceedings by appeal, to any court of competent jurisdiction, upon the payment of costs, and giving notice of his or their intention so to do, to said justice, in writing, within ten days after the rendition of said judgment; or in case of the absence of such party from said village, within thirty days; and upon the filing of a transcript of the proceedings aforesaid in the circuit court, or in any other court having jurisdiction, the same proceedings shall be had, as is prescribed by law in cases of appeal: *Provided further*, That if the final judgment of said circuit or other court shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal.

Sec. 19. Any justice of the peace residing in said village is hereby empowered to inquire of, hear, try, and determine, in a summary manner, all offences committed within the corporate limits of said village, against the laws and ordinances thereof, and to punish such offenders, as prescribed by the laws and ordinances aforesaid: *Provided*, That any person arrested on a charge of violating any of the laws or ordinances aforesaid may demand and have a trial by jury: *Provided further*, That all actions within the jurisdiction of justices of the peace [may] be commenced and prosecuted in said justices' courts, whereof [whenever] the plaintiffs or defendants, or one of the plaintiffs or defendants, reside in said county of Branch.

Justice of the peace; powers of.

Proviso.

Ibid.

Sec. 20. Every assessment of taxes lawfully imposed or levied by the common council on any lands, tenements, or hereditaments within said village, shall be and remain a lien upon such lands, tenements, or hereditaments, from the time of the delivery of the tax-roll to the marshal until the same is paid; and the owner or occupant of such lands, tenements, and hereditaments shall be liable on demand to pay every such assessment or tax; and in default thereof, it shall be lawful for the marshal to levy upon and sell personal estate, and for want thereof, the real estate so assessed, rendering the surplus, if any there be, after deducting the costs and charges of such sale, to the person against whom the tax is levied. But in case of lands, tenements, and hereditaments owned by non-residents, no demand of payment of taxes assessed thereon of such owner shall be necessary, prior to a levy and sale thereof, as herein provided, or prior to a levy and sale of the personal property of such non-resident: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said village, if there be one, or by posting written notices thereof in three public places in said village, at least six weeks immediately preceding the time of such sale; and the marshal on such sale shall give to the purchaser or purchasers of any such lands, a certificate in writing,

Taxes a lien on land.

Owner shall pay tax.

Land may be sold for taxes.

Land of non-residents.

Proviso.

describing the lands so purchased, the amount of the bid, and the time when the purchaser thereof will be entitled to a deed for said land; and if the said lands are not redeemed within one year from the date of such sale, by the payment to the treasurer, for the use of the purchaser, his heirs and assigns, the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the marshal or his successor in office shall, at the expiration of said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, and said conveyance shall be *prima facie* evidence that the sale and all the proceedings therein prior to such sale were regular; and every such conveyance executed by the marshal, under his hand and seal, acknowledged, and recorded, may be given in evidence in the same manner as a deed regularly executed, acknowledged, and recorded, by the owner thereof; and every sale, both of real and personal estate, made under and by virtue of this act, shall be at public auction, at some public place within said village, to be specified in the notice of sale, and shall take place between the hours of nine in the forenoon and four in the afternoon of the same day: *Provided*, That for want of bidders, or other sufficient cause, the marshal may postpone such sale from time to time, not exceeding three months, and the lands or other property so sold shall be struck off to the highest bidder; and all personal property sold for the payment of taxes shall be upon a notice of not less than ten days, which notice shall be posted up in three of the most public places in said village; and at every sale made under the provisions of this section, the said corporation may become purchaser, with all the rights and subject to all the liabilities and obligations of any other purchaser.

Assessor;
duties of.

Assessment
roll.

Sec. 21. Whenever the assessor of said village shall have completed the assessment roll and valuation of the property, real and personal, he shall give notice thereof by posting the same in three public places in said village, of the time when he will have said roll at the office of the recorder for the purpose

of reviewing said roll, which notice shall not be less than five Reviewal of. days, to hear the objections of any person interested therein to the valuation made by him; and at the time appointed, the assessor with said roll shall be at said office from ten o'clock in the forenoon till three o'clock in the afternoon of such day; and Decision of assessor, appeal from. on the application of any person conceiving himself aggrieved, may review and reduce the said valuation, on sufficient cause shown to the satisfaction of such assessor; and if any person shall conceive himself aggrieved by the final decision of the assessor, he may appeal from such decision at any time within five days, to the common council, who may review said roll, whose decision in the premises shall be final.

Sec. 22. It shall be the duty of the common council to make Duplicate of tax roll. a duplicate of the tax roll, charging each individual named therein an amount of tax in proportion to the amount of valuation of real and personal estate of each individual therein named, and annex thereto their warrant, signed by the president and recorder, and deliver the same to the marshal, whose Marshal to collect taxes. duty it shall be to collect the said taxes within such time and in such manner as the laws and ordinances of said village may direct: *Provided*, That the common council may renew their Proviso. said warrant, and extend the time for the collection of taxes, in their discretion.

Sec. 23. The common council shall have authority to establish Fire companies. and organize fire companies, and hook and ladder companies, and provide them with engines and other implements as shall be necessary to extinguish fires, and preserve the property of such village from conflagrations; to appoint from among the Firemen. inhabitants thereof such number of persons, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number shall not exceed fifty in the Proviso. management of one engine; and each fire, hose, and hook and ladder company shall have power to elect their own officers, Powers of fire company. pass laws for the organization and government of said company, subject to the approval of the common council, and may

- Fines.** impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such laws and regulations of every such company, and every person belonging to such company shall obtain from the recorder a certificate to that effect, which shall be evidence thereof; and
- Exempt from poll tax and jury service.** the members of such company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax, in said village; and it shall be the duty of every fire company to keep in good repair the engine, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining such engine and other implements, with a view to their perfect order and repair.
- Duties.**
- Citizens may be witnesses.** Sec. 24. In all actions, suits, and proceedings wherein the common council of said village shall be a party, no citizen thereof shall be deemed an incompetent juror or witness on account of his residence in said village.
- Process, and how served.** Sec. 25. Process against said corporation may be served by reading the same to, and leaving an attested copy thereof with, the president or recorder: *Provided*, That the first process shall be a summons served at least ten days before the return day thereof.
- Proviso.**
- Marshal, duties of.** Sec. 26. The marshal shall be a police constable for said village, and may serve any process lawfully issued by any justice of the peace residing in said village, or by any officer elected by virtue of this act, and shall perform all such services as may be required of him by the common council, and shall be entitled to the same fees as constables for similar services, and shall be entitled to the same privileges and subject to the same liabilities as constables in the performance of similar duties. The marshal shall have the general supervision of the streets, commons, lanes, public grounds, burial-places, and alleys, under the direction of the common council; and shall see that the laws and ordinances are properly observed. The marshal shall collect all taxes authorized to be raised by the common
- Supervision of streets, etc.**
- Collect taxes**

council, on their warrant, signed by the president and recorder, and all assessments for license issued by the recorder, and shall pay the same over to the treasurer as the village laws and ordinances may direct. Whenever any fire shall occur, ^{Compel aid at fires.} the marshal shall immediately repair to the place thereof, and aid in extinguishing such fire, and in preventing any goods from being unnecessarily damaged or stolen, and removing and protecting the same, and shall obey the orders of the president and trustees, or either of them, who may be present at such fire.

Sec. 27. The treasurer of said village shall be the lawful ^{Treasurer, duties of.} custodian of all moneys belonging to said village, and he shall pay the same out on the orders of the common council, signed by the president and recorder.

Sec. 28. The street commissioner shall superintend and direct ^{Street commissioner, duties of.} the working, planking, repairing, paving, grading, and opening all streets, lanes, alleys, sidewalks, cross-walks, highways, and bridges, and all other improvements ordered by the common council to be made in said village, in such manner as said common council may direct.

Sec. 29. The common council shall at the close of each year ^{Statement to be published by common council.} cause to be published a just and true statement of all moneys received into the treasury, and of all moneys expended during the year next preceding, which statement shall contain in detail all receipts and expenditures, and a copy thereof shall be kept on file in the office of the recorder.

Sec. 30. The laws and ordinances of said village now in ^{Certain laws to remain in force.} force, and not inconsistent with the laws of the State, or of this act, shall be and remain in force until the same shall be altered, amended, or repealed by the common council.

Sec. 31. This act shall have effect from and after the second day of March, in the year one thousand eight hundred and sixty-nine.

Approved January 23, 1869.

[No. 183.]

AN ACT to extend the time for the collection of taxes in the city of Flint, in the county of Genesee.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the city of Flint, in the county of Genesee, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first day of March, one thousand eight hundred and sixty-nine.*

Powers of
treasurer.

Sec. 2. The treasurer of the said city is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return to the county treasurer at any time before the first day of March next, and said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the first day of March next.

Warrant
continued
in force.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said city, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond, to the satisfaction of the treasurer of said county.

Renewal of
bond.

Return of
unpaid taxes

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 23, 1869.

[No. 184.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and sixty-eight, in the township of Albion, in the county of Calhoun.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended.} the time for the collection of taxes in the township of Albion, in the county of Calhoun, is hereby extended to the first Monday in March, A. D. 1869.

Sec. 2. The treasurer of the township of Albion aforesaid is ^{Powers of treasurer.} hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first Monday of March next, and his warrant is hereby con- ^{Warrant continued in force.} tinued in full force and virtue, for the purpose aforesaid, until the said first Monday in March next: *Provided,* He shall first ^{Proviso.} pay over to the county treasurer all money in his hands due said county, and renew his official bond to the satisfaction of the treasurer of the said county of Calhoun.

Sec. 3. A transcript of all the unpaid taxes returned to the ^{Return of unpaid taxes} county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General by the first day of April next, and such unpaid taxes shall be collected in the same manner, and with interest from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved January 23, 1869.

[No. 185.]

AN ACT to extend the time for the collection of taxes in the township of Indian Fields, in the county of Tuscola, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended.} the time for the collection of taxes in the township of Indian Fields, in the county of Tuscola, for the year eighteen hun-

dred and sixty-eight, be and the same is hereby extended until the first Monday in March, one thousand eight hundred and sixty-nine.

Powers of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return[s] to the county treasurer at any time on or before the first Monday of March next, and said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the first Monday of March next.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Return of
unpaid taxes

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General, by said county treasurer, as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 23, 1869.

[No. 186.]

AN ACT to legalize certain bonds issued by the township of Sebewaing, in the county of Huron, the proceeds of which were expended in improving the mouth of the River Du Fil, and to provide for the payment of the same.

Bonds de-
clared legal.

SECTION 1. *The People of the State of Michigan enact, That the several bonds made and issued by the township board of the township of Sebewaing, to an amount not exceeding four thousand dollars, issued for the purpose of improving the*

mouth of the river Du Fil, and which have been indorsed and negotiated by the commissioner appointed by the Governor to superintend the improvements at the mouth of said river, be and the same are hereby declared a legal issue of bonds by said township of Sebewaing, and the payment of said issue of bonds shall be made in the manner following, to wit:

1st. All moneys raised in pursuance of act No. 477, session laws of 1867, not otherwise expended, shall be applied in payment of said bonds.

2d. The balance of the principal and interest then unpaid by said township shall be computed by the township board of said township, and the amount certified by the township clerk to the supervisor of the township, at the same time and in the same manner as other township taxes shall be certified for the year 1869.

Sec. 2. The supervisor of the township shall assess the amount so certified, upon the assessment roll of the township for the year 1869, in the same manner as other township taxes are assessed. ^{Supervisor, duty of.}

Sec. 3. The township treasurer of the township shall pay over, as soon as collected, all moneys collected in pursuance of Act No. 477, of the session laws of 1867, and of this act, to the commissioner mentioned in section one of this act. ^{Treasurer, duty of.}

Sec. 4. This act shall take immediate effect.

Approved January 23, 1869.

[No. 187.]

AN ACT to legalize the tax-roll of the township of Croton, in the county of Newaygo, for the year eighteen hundred and sixty-eight, and to extend the time for the collection of the taxes therein.

SECTION 1. *The People of the State of Michigan enact, That* the tax-roll of the township of Croton, in the county of Newaygo, for the year eighteen hundred and sixty-eight, be and the same is hereby declared to be as valid and legal as though ^{Tax roll legalized.}

the same had been made out and delivered to the township treasurer at the time prescribed by law.

Time
extended.

Sec. 2. The time for the collection of taxes in said township of Croton, for the year eighteen hundred and sixty-eight, is hereby extended until the first Monday of March, eighteen hundred and sixty-nine.

Treasurer,
powers of.

Sec. 3. The treasurer of said township of Croton is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns in the manner provided by law, on or before the first Monday in March, eighteen hundred and sixty-nine; and his said warrant is hereby continued in full force and virtue for the purposes aforesaid, until the first Monday in March, in the year eighteen hundred and sixty-nine.

Warrant
continued in
force.

Treasurer,
duty of.

Sec. 4. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to renew his official bond to the satisfaction of the treasurer of said county of Newaygo.

Bond
renewed.

Return of
unpaid taxes

Sec. 5. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 6. This act shall take immediate effect.

Approved January 23, 1869.

[No. 188.]

AN ACT to legalize the tax roll of the township of Brooks, in the county of Newaygo, for the year eighteen hundred and sixty-eight, and to extend the time for the collection of the taxes therein.

Tax roll
legalized.

SECTION 1. *The People of the State of Michigan enact, That the tax roll of the township of Brooks, in the county of Ne-*

waygo, for the year eighteen hundred and sixty-eight, be and the same is hereby declared to be as valid and legal as though the same had been made out and delivered to the township treasurer at the time prescribed by law.

Sec. 2. The time for the collection of taxes in said township of Brooks, for the year eighteen hundred and sixty-eight, is hereby extended until the first Monday in March, eighteen hundred and sixty-nine. Time extended.

Sec. 3. The treasurer of said township of Brooks is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns in the manner prescribed by law, on or before the first Monday in March, eighteen hundred and sixty-nine, and his said warrant is hereby continued in full force and virtue for the purposes aforesaid, until the said first Monday in March, eighteen hundred and sixty-nine. Treasurer, powers of. Warrant continued in force.

Sec. 4. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to renew his official bond, to the satisfaction of the treasurer of said county of Newaygo. Bond renewed.

Sec. 5. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment. Return of unpaid taxes

Sec. 6. This act shall take immediate effect.

Approved January 23, 1869.

[No. 189.]

AN ACT to extend the time for the collection of taxes in the township of Orange, in the county of Ionia, for the year 1868.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Orange, Time extended.

in the county of Ionia, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first Monday of March, one thousand eight hundred and sixty-nine.

Treasurer,
powers of.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the first Monday in March next, and the said warrant is hereby revived, and continued in full force and virtue for the purpose aforesaid, until the first Monday of March next.

Warrant
revived.

Bond
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected by him during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Return of
unpaid taxes

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 23, 1869.

[No. 190.]

AN ACT to legalize the assessment roll for the township of Holly, in the county of Oakland, and to extend the time for the collection of taxes therein.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the assessment roll of the township of Holly, in the county of Oakland, for the year one thousand eight hundred and sixty-eight, is declared to be as legal as though the school tax for school district No. 6 of said township had been properly certified to the supervisor, and that the time for the collection*

of taxes in the said township of Holly is hereby extended to the twentieth day of March, 1869.

Sec. 2. The treasurer of the said township of Holly is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the twentieth day of March, 1869, and his said warrant is hereby continued in full force for such purpose until said 20th day of March, 1869. ^{Treasurer, powers of.} ^{Warrant continued in force.}

Sec. 3. It shall be the duty of said township treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected by him as provided by law, and to renew his official bond to the satisfaction of the county treasurer. ^{Bond of treasurer.}

Sec. 4. A transcript of all unpaid taxes, returned to said county treasurer as herein provided, shall by said county treasurer be returned to the Auditor General, on or before the twentieth day of April, A. D. 1869, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year one thousand eight hundred and sixty-eight. ^{Return of unpaid taxes}

Sec. 5. This act shall take immediate effect.

Approved January 27, 1869.

[No. 191.]

AN ACT to legalize the tax roll of the village of Holly, in the county of Oakland, for the year 1868, and to extend the time for the collection of taxes spread thereon.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the village of Holly, in the county of Oakland, for the year 1868, be and is hereby declared to be as legal and valid as though the same had been directed to the marshal instead of the treasurer of said village. ^{Tax roll legalized.}

Sec. 2. The time for the collection of said taxes is hereby extended to the twentieth day of March, 1869, and the treasurer of said village is hereby authorized, and it is hereby made his ^{Time extended.}

Warrant
continued in
force.

duty, to proceed and collect said taxes within the time above specified in the same manner as during the lifetime of his warrant, which warrant is hereby continued in full force during said period.

Sec. 3. This act shall take immediate effect.

Approved January 27, 1869.

[No. 192.]

AN ACT to extend the time for the collection of taxes in the townships of Brownstown, Greenfield, and Hamtramck, in the county of Wayne.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the townships of Brownstown, Greenfield, and Hamtramck, in the county of Wayne, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first day of March, in the year eighteen hundred and sixty-nine.

Treasurers;
powers of.

Sec. 2. The treasurers of said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could during the lifetime of their warrants, and to make return at any time before the first day of March next; and said warrants are hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

Warrants
revived.

Bonds
renewed.

Sec. 3. It shall be the duty of the treasurers of said townships, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Return of
unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall by said county treasurer be returned to the Auditor General, on or before the first day of April, 1869; and such unpaid taxes shall be collected in the same manner, and with interest

computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 27, 1869.

[No. 193.]

AN ACT to legalize the tax-roll of the township of Big Rapids, Mecosta county, for the year eighteen hundred and sixty-eight, and to extend the time for the collection of the taxes therein.

SECTION 1. *The People of the State of Michigan enact, That* ^{Tax roll legalized.} the tax-roll of the township of Big Rapids, in the county of Mecosta, for the year one thousand eight hundred and sixty-eight, be and the same is hereby declared to be as valid and legal as though the same had been made out and delivered to the township treasurer at the time prescribed by law.

Sec. 2. The time for the collection of the taxes in said town- ^{Time extended.} ship of Big Rapids, for the year eighteen hundred and sixty-eight, is hereby extended until the first Monday in March, eighteen hundred and sixty-nine.

Sec. 3. The treasurer of said township of Big Rapids is ^{Treasurer; powers of.} hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns in the manner provided by law, on or before said first Monday in March, eighteen hundred and sixty-nine; and his said warrant is hereby revived and continued in full ^{Warrant revived.} force and virtue, for the purposes aforesaid, until the said first Monday in March, eighteen hundred and sixty-nine.

Sec. 4. It shall be the duty of the treasurer of said township, ^{Bond renewed.} before he shall be entitled to the benefits of this act, to renew his official bond, to the satisfaction of the treasurer of said county of Mecosta.

Return of
unpaid
taxes.

Sec. 5. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the provisions of this act, shall be returned by him to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 6. This act shall take effect immediately.

Approved January 27, 1869.

[No. 194.]

AN ACT to extend the time for the collection of certain drain taxes in the townships of Ecorse, Dearborn, and Taylor, in the county of Wayne.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of the drain taxes, assessed upon fractional section number two, and private claims number thirty-one and sixty-six, in the township of Ecorse, in the county of Wayne, and all taxes assessed in the townships of Dearborn and Taylor, in said county, to pay for the construction of the Ecorse ditch, located in the township of Ecorse, and assessed for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first day of December next.*

Treasurers;
duties of.

Sec. 2. The several treasurers of the said townships shall, on or before the first day of February next, account for and pay over to the treasurer of said county, all taxes by them collected, and make due returns, according to law and specification of the warrants attached to their respective tax rolls, and shall retain the said tax rolls in their hands, and deliver the same over to their successors in office.

Treasurers;
powers of.

Sec. 3. The several treasurers of the townships above named, or their successors in office, are hereby authorized, and it shall be their duty, to proceed and collect the above-mentioned drain

taxes, in the same manner as during the lifetime of their warrants, and to make returns to the county treasurer, on or before the first day of December next; and the said warrants are hereby continued in full force and virtue, for the purpose ^{Warrants continued in force.} *Provided*, ^{Proviso.} They shall first renew their official bonds, to the satisfaction of the treasurer of said county of Wayne.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer, in pursuance of the provisions of this act, ^{Return of unpaid taxes.} shall, by said county treasurer, be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year one thousand eight hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 27, 1869.

[No. 195.]

AN ACT to extend the time for the collection of taxes in the city of Wyandotte, and the township of Ecorse, in the county of Wayne, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact*, That ^{Time extended.} the time for the collection of taxes in the city of Wyandotte, and the township of Ecorse, in the county of Wayne, for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the tenth day of March next; and the treasurers of the said city of Wyandotte, and the township of Ecorse, are hereby authorized and empowered to proceed and collect said taxes, and make due return in pursuance of their warrant, on or before the tenth day of March next, and their ^{Warrant continued in force.} warrant is hereby continued in full force and virtue until that time.

Bonds
renewed.

Sec. 2. It shall be the duty of the treasurers of said city and township, before they shall avail themselves of the benefits of this act of extension of time herein conferred, to pay over all moneys collected by them during the lifetime of their warrants as now provided by law, and to renew their official bonds, to the satisfaction of the treasurer of said county.

Return of
unpaid
taxes.

Sec. 3. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned by the county treasurer to the Auditor General, on or before the 10th day of April, 1869; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved January 27, 1869.

[No. 196.]

AN ACT to amend act number two hundred and ninety, session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of St. Johns."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two, of article three, of "An act to incorporate the village of St. Johns," approved March second, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:

Officers.

Sec. 2. At every annual election after the first, there shall be elected one president, one clerk, one marshal, one treasurer, and one assessor, who shall severally hold their offices for one year; and three trustees, who shall hold their offices for two years.

Sec. 2. This act shall take immediate effect.

Approved January 30, 1869.

[No. 197.]

AN ACT to extend the time for the collection of taxes in the township of Springwells, in the county of Wayne, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended.} the time for the collection of taxes in the township of Springwells, in the county of Wayne, be and the same is hereby extended to the first day of March next.

Sec. 2. The treasurer of said township of Springwells, ^{Treasurer; powers of.} ~~aforsaid,~~ is hereby authorized and empowered to proceed and collect said taxes, in the same manner as during the lifetime of his warrant, and make returns to the county treasurer on or before the first day of March next, and the said warrant is ^{Warrant continued in force.} hereby continued in full force for said purpose, until said time.

Sec. 3. It shall be the duty of said treasurer of said town- ^{Bond renewed.} ~~ship,~~ before he shall be entitled to the benefit of this act, to pay over all moneys collected by him during the lifetime of his warrant, as provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return of unpaid taxes.} ~~county treasurer~~ in pursuance of the foregoing provisions, shall be returned to the Auditor General, on or before the first day of April next; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 30, 1869.

[No. 198.]

AN ACT to extend the time for the collection of taxes in the township of Almer, in the county of Tuscola, for the year one thousand eight hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended} the time for the collection of taxes in the township of Almer,

in the county of Tuscola, is hereby extended to the twentieth day of March next.

Treasurer;
powers of.

Sec. 2. The treasurer of the township of Almer aforesaid is hereby authorized and empowered to proceed and collect said taxes, in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the twentieth day of March next, and said warrant is continued in full force for said purpose until said time.

Warrant
continued
in force.

Bond
renewed.

Sec. 3. It shall be the duty of said treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him, as provided by law, and to give to the county treasurer of his county an official bond as treasurer of said township, conditioned and to be approved by said county treasurer as required by law, to pay or otherwise account for said deferred taxes at the time limited by this act, as required by law.

Return of
unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 199.]

AN ACT to extend the time for the collection of taxes in the township of Sanilac, county of Sanilac, for the year 1868.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Sanilac, county of Sanilac, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first day of March, eighteen hundred and sixty-nine.*

Sec. 2. The treasurer of said township is hereby authorized ^{Treasurer; powers of.} and empowered to proceed and collect said taxes as fully as he could during the lifetime of his warrant, and to make returns at any time before the first day of March next; and said war- ^{Warrant revived.} rant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first day of March next.

Sec. 3. It shall be the duty of the treasurer of said township, ^{Bond renewed.} before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as it is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return of unpaid taxes.} county treasurer in pursuance of the foregoing provisions, shall by said county treasurer be returned to the Auditor General on or before the first day of April, 1869; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 200.]

AN ACT to extend the time for the collection of taxes in the townships of Van Buren and Romulus, in the county of Wayne, for the year one thousand eight hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended.} the time for the collection of taxes in the townships of Van Buren and Romulus, in the county of Wayne, is hereby extended to the first day of March next.

Sec. 2. The treasurers of the townships of Van Buren and Romulus aforesaid are hereby authorized and empowered to ^{Treasurers; powers of.} proceed and collect said taxes in the same manner as during

Warrants
revived.

the lifetime of their warrants they might have done, and to make returns to the county treasurer on or before the first day of March next, and the said warrants are hereby revived and continued in full force for said purpose until said time.

Bond
renewed.

Sec. 3. It shall be the duty of the said treasurers of said townships, before they shall be entitled to the benefit of this act, to pay over all moneys collected by them during the lifetime of their warrants, as provided by law, and to renew their official bonds, to the satisfaction of the treasurer of said county.

Return of
unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned by said county treasurer to the Auditor General as soon as the first day of April next; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 201.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and sixty-eight, in the township of Sebewaing, in the county of Huron.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Sebewaing, in the county of Huron, for the year eighteen hundred and sixty-eight, be and the same is extended until the first Monday in March next.

Powers of
treasurer.

Sec. 2. The treasurer of the said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the first Monday of March next, and the said

warrant is hereby revived and continued in full force and virtue for the purposes aforesaid, until said first Monday of March next. Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond, to the satisfaction of the treasurer of the said county. Bond renewed.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of this act, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 202.]

AN ACT to extend the time for the collection of taxes in the township of Lenox, in the county of Macomb, for the year 1868.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Lenox, in the county of Macomb, for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first day of March, eighteen hundred and sixty-nine. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make his return at any time before the first day of March next, and the said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the said first day of March next. Powers of treasurer. Warrant continued in force.

Bond
renewed

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Macomb.

Return
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with interest computed for the same time as other taxes for the year eighteen hundred and sixty-eight.

Sec. 5. This act shall take effect immediately.

Approved January 30, 1869.

[No. 203.]

AN ACT to extend the time for the collection of taxes in the township of Fair Grove, in the county of Tuscola, for the year eighteen hundred and sixty-eight.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Fair Grove, in the county of Tuscola, for the year 1868, is hereby extended to the twentieth day of March next.

Powers of
treasurer.

Sec. 2. The treasurer of the township of Fair Grove aforesaid, is hereby authorized and empowered to proceed and collect said tax in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the said twentieth day of March next, and said warrant is continued in full force for said purpose until said time.

Warrant
continued in
force.

Bond
renewed.

Sec. 3. It shall be the duty of said treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him, as provided by law, and to give to the county treasurer of his county an official bond as treasurer of said township, conditioned, and to be approved by said county treasurer, as required by law, to pay over or otherwise account for said deferred taxes at the time limited by this act, as required by law.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall ^{of unpaid taxes.} be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 204.]

AN ACT to extend the time for the collection of taxes in the township of Fenton, in the county of Genesee, for the year one thousand eight hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact*, That the ^{Time} time for the collection of taxes in the township of Fenton, in ^{extended.} the county of Genesee, for the year 1868, is hereby extended to the first Monday of March next.

Sec. 2. The treasurer of the township of Fenton aforesaid ^{Treasurer;} is hereby authorized and empowered to proceed and collect ^{power of.} said tax in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before ^{Warrant} the first Monday of March next, and said warrant is continued ^{continued} in full force for said purpose until said time. ^{in force.}

Sec. 3. It shall be the duty of said treasurer of said town- ^{Bond} ship, before he shall be entitled to the benefit of this act, to ^{renewed.} pay over all moneys collected by him, as provided by law, and to give to the county treasurer of his county an official bond as treasurer of said township, conditioned and to be approved by said county treasurer as required by law, to pay over or otherwise account for said deferred taxes, at the time limited by this act, or required by law.

Return
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returned to the treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight [hundred and sixty-eight], duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 30, 1869.

[No. 205.]

AN ACT to extend the time for the collection of taxes in the township of Grosse Point, in the county of Wayne, for the year one thousand eight hundred and sixty-eight.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Grosse Point, in the county of Wayne, for the year one thousand eight hundred and sixty-eight, be and the same is hereby extended until the first day of March next.

Treasurer;
power of.

Sec. 2. The treasurer of said township of Grosse Point is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the first day of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

Warrant
continued
in force.

Bond
renewed

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now prescribed by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Return
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General, on or before the first day

of April next; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year one thousand eight hundred and sixty-eight, and duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 206.]

AN ACT to extend the time for the collection of taxes in the township of Zilwaukie, in the county of Saginaw, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact*, That the ^{Time} time for the collection of taxes in the township of Zilwaukie, in ^{extended.} the county of Saginaw, for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first day of March next, and the treasurer of said township of Zilwaukie ^{Treasurer,} is hereby authorized and empowered to proceed and collect ^{power of.} said taxes, and make due return in pursuance of his warrant, on or before the first day of March next, and his warrant is ^{Warrant.} hereby continued in full force and virtue until that time.

Sec. 2. It shall be the duty of the treasurer of said township, ^{Bond} before he shall avail himself of the benefit of this act of exten- ^{renewed.} sion of time herein conferred, to pay over all money collected by him during the lifetime of his warrant, as now provided by law, and to renew his official bond, to the satisfaction of the treasurer of said county.

Sec. 3. A transcript of all unpaid taxes, returned to the ^{Return} county treasurer in pursuance of the foregoing provisions, shall ^{of unpaid} be returned by the county treasurer to the Auditor General, on ^{taxes.} or before the first day of April, A. D. 1869; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen

hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take effect immediately.

Approved January 30, 1869.

[No. 207.]

AN ACT to authorize the city of Saginaw to raise money, to construct a county jail for the county of Saginaw.

Common
council may
borrow
money.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Saginaw shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor to the amount not exceeding thirty thousand dollars, which shall be expended in the construction of a county jail for the county of Saginaw, to be located in the city of Saginaw: *Provided*, That a majority of the property-holding tax-payers of said city, being electors therein, shall vote for such loan in the manner hereinafter specified, and not otherwise.

Proviso.

Money; how
raised.

Sec. 2. The question of raising said money by loan shall be submitted by the common council of said city, to the electors thereof, qualified as aforesaid, and the vote shall be taken, as near as may be, in accordance with the provisions of section eighty-four of an act entitled "An act to amend an act entitled an act to revise and amend the charter of the city of Saginaw," approved March twenty-seventh, eighteen hundred and sixty-seven.

Bonds, and
how issued.

Sec. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding ten per cent. per annum, as the common council shall direct, and shall be signed by the controller, and countersigned by the recorder, and sealed with the seal of said city, and negotiated by or under the direction of the said common council, and the money

arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power, and it shall be ^{Tax.} their duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Sec. 4. This act shall take immediate effect.

Approved January 30, 1869.

[No. 208.]

AN ACT to extend the time for the collection of taxes in the township of Lockport, in the county of St. Joseph.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time} the time for the collection of taxes in the township of ^{extended.} Lockport, in the county of St. Joseph, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first day of March, in the year eighteen hundred and sixty-nine.

Sec. 2. The treasurer of said township is hereby authorized ^{Treasurer;} and empowered to proceed and collect said taxes as fully as ^{power of.} he could during the lifetime of his warrant, and to make return at any time before the first of March next, and said warrant ^{Warrant} is hereby revived and continued in full force and virtue, for ^{revived.} the purpose aforesaid, until the said first day of March next.

Sec. 3. It shall be the duty of the treasurer of said township, ^{Bond} before he shall be entitled to the benefit of this act, to pay over ^{renewed.} all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return} county treasurer in pursuance of the foregoing provisions, shall ^{of unpaid} by said county treasurer be returned to the Auditor General, ^{taxes.} on or before the first day of April, one thousand and eight hun-

dred and sixty-nine; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 209.]

AN ACT to legalize the tax roll of the township of LaSalle, in the county of Monroe, for the year one thousand eight hundred and sixty-eight.

Tax roll
legalized.

SECTION 1. *The People of the State of Michigan enact, That* the tax roll of the township of LaSalle, in the county of Monroe, for the year one thousand eight hundred and sixty-eight, and now in the hands of the treasurer of said township for collection, be and the same is hereby declared as legal and valid as though the same had been received by him at the time prescribed by law.

Action of
supervisors
declared
valid.

Sec. 2. The action of the board of supervisors of said county of Monroe, had at the December session of said board, in the year one thousand eight hundred and sixty-eight, whereby said board order the supervisor of said township to make out a new tax roll for said township, for said year one thousand eight hundred and sixty-eight, and extending the time for the collection of taxes in said township, is hereby declared to be legal and valid, and the tax roll made out in pursuance of said order and now in the hands of the treasurer of said township for collection, and the several taxes in said roll mentioned, are hereby declared to be as legal, valid, and binding as if said tax roll, and the warrant thereto attached, were in due and legal form, and had been made out and delivered to the treasurer of said township at the time fixed by the statute.

Sec. 3. This act shall take immediate effect.

Approved January 30, 1869.

[No. 210.]

AN ACT to extend the time for the collection of taxes in the township of Orleans, in Ionia county, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended.} the time for the collection of taxes in the township of Orleans, in Ionia county, for the year one thousand eight hundred and sixty-eight, be and the same is hereby extended until the first Monday of March, one thousand eight hundred and sixty-nine.

Sec. 2. The treasurer of said township is hereby authorized ^{Treasurer; powers of.} and empowered to proceed and collect said taxes as fully as he could have done in the lifetime of his warrant, and to make returns at any time before the first Monday in March next, and the said warrant is hereby revived and continued in full force ^{Warrant revived.} and virtue for the purpose aforesaid, until the first Monday in March next.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to ^{Bond renewed.} pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county aforesaid.

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return of unpaid taxes.} county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year one thousand eight hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 211.]

AN ACT to extend the time for the collection of taxes in the several wards in the city of Detroit, in the county of Wayne.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the several wards in the city of Detroit, for the year eighteen hundred and sixty-eight, is hereby extended until the first day of March next.

Collectors;
powers of.

Sec. 2. The collectors of the several wards of the city of Detroit are hereby authorized to proceed and collect said taxes as fully as they might have done during the lifetime of their several warrants for that purpose, and make their returns on or before the first day of March next, and said warrants are hereby continued in full force for that purpose until said time.

Warrants
continued
in force.

Bond
renewed.

Sec. 3. The several collectors aforesaid shall, before they shall be entitled to the benefits of this act, pay over all moneys collected during the lifetime of their several warrants, as now provided by law, and shall renew their official bonds, to be approved by the treasurer of said county.

Return
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 30, 1869.

[No. 212.]

AN ACT to extend the time for the collection of taxes in the township of Bloomfield, in the county of Oakland, for the year eighteen hundred and sixty-eight.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Bloom-

field, in the county of Oakland, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first day of March next.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done in the lifetime of his warrant, and to make return at any time before the first day of March next, and said warrant is hereby revived and continued in full force and virtue until that time. Treasurer; powers of. Warrant revived.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer. Bond renewed.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved February 12, 1869.

[No. 213.]

AN ACT to change the name of the township of North Climax, in Benzie county, to Inland.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of North Climax, in Benzie county, be and the same is hereby changed to that of Inland. Name changed.

Sec. 2. All debts, liabilities, rights, privileges, and immunities of every nature, incurred by said township of North Climax, by or with any persons or corporations, shall remain binding Former debts, etc., to remain in force.

and valid against said township of Inland, as they would have been had the name not been changed.

Approved February 13, 1869. |

[No. 214.]

AN ACT to extend the time for the collection of taxes in the township of Macomb, in the county of Macomb.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Macomb, in the county of Macomb, for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first Monday in March, eighteen hundred and sixty-nine.*

Treasurer,
power of.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make his return at any time before the first Monday of March next, and the said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the first Monday of March next.

Warrant
continued
in force.

Bond
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Macomb.

Return
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 13, 1869.

[No. 215.]

AN ACT to extend the time for the collection of taxes in the township of Redford, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That the* ^{Time extended.} *time for the collection of taxes in the township of Redford, in the county of Wayne, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first day of March, in the year eighteen hundred and sixty-nine.*

SEC. 2. The treasurer of said township is hereby authorized ^{Powers of treasurer.} *said empowered to proceed and collect said tax as fully as he could in the lifetime of his warrant, and to make return at any time before the first day of March next, and said warrant* ^{Warrant continued in force.} *is hereby revived and continued in full force and virtue for the purpose aforesaid, until the said first day of March next.*

SEC. 3. It shall be the duty of the treasurer of the said ^{Bond renewed.} *township before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Wayne.*

SEC. 4. A transcript of all unpaid taxes returnable to the ^{Return of unpaid taxes} *county treasurer in pursuance of the foregoing provisions shall be returned to the Auditor General, on or before the first day of April, A. D. 1869; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.*

SEC. 5. This act shall take effect immediately.

Approved February 13, 1869.

[No. 216.]

AN ACT to amend an act entitled "An act to incorporate the village of Holly," approved March 8, 1865.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended.} *sections 14, 21, 26 and 28, of an act entitled "An act to incor-*

porate the village of Holly," approved March 8, 1865, shall be amended so as to read as follows:

Inhabitants,
liability of.

Common
council;
power of.

May levy
poll tax.

Taxes a lien
on real es-
tate.

Provided.

Ibid.

Justice of
the peace
may try and
punish
offenders.

Sec. 14. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and establishing streets, highways and bridges, and the labor to be performed thereon within the corporate limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax, not exceeding one dollar, upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed, and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner provided by section twenty-six of this act: *Provided*, Such highway tax shall not exceed one day for every two hundred dollars valuation, exclusive of poll tax: *And provided further*, That the inhabitants of said village, or the property thereof, shall not be taxed for building or repairing any bridges, except those situate within the corporate limits of said village of Holly.

Sec. 21. Any justice of the peace of the township of Holly, or any adjoining township in the county of Oakland, is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner all offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish such offenders, as by the said by-laws, ordinances or regulations, shall be

prescribed or directed, and to enforce such punishment by fine or imprisonment, or both, in the discretion of the court: *Pro-Provido.*
vided, Such fine shall not exceed one hundred dollars, or the imprisonment three months in the county jail: *And provided Ibid.*
further, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Oakland county.

Sec. 26. The common council shall have full power and au- ^{Levy of poll-}
 thority to levy and collect a capitation or poll tax upon the ^{tax.}
 legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*,
 The said taxes so assessed and collected shall not exceed in any one year, one-half of one per centum upon the valuation of said real and personal property, and exclusive of the sidewalk, highway, and capitation or poll tax; and every assess- ^{Taxes a lien}
 ment of taxes so laid and imposed by the common council on ^{on property.}
 any lands, tenements, hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands, tenements, and hereditaments from the time of making such assessments, or imposing such tax, until paid; and the owner or occupants, or parties in interest respectively in said real estate shall be liable, upon demand, to pay every such assessment or tax to be levied as aforesaid; and in default of any payment, ^{Distress and}
 or any part thereof, it shall be lawful for the treasurer of said ^{sale.}
 village to sell personal estate, and for want thereof, to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold ^{Provido.}
 by the treasurer, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each week, previous to such sale; and the said treasurer shall ^{Treasurer's}
 give to said purchaser or purchasers of any such lands, a cer- ^{certificate.}
 tificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said

Conveyance. land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date thereof, pay to the said treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said treasurer, or his successor in office shall, at the expiration of said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, and the said conveyance shall be *prima facie* evidence that the sale and all the proceedings therein prior to such sale were regular, according to the provisions of this act and the ordinances of such village; and every such conveyance executed by such treasurer under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and when such deed shall have been on record for five years in the office of register of deeds of said Oakland county, it shall be conclusive evidence of title in the person to whom such real estate was sold, his heirs or assigns, unless it shall be made to appear that the tax for which the land was sold had been duly paid, or that the said land was not liable to taxation at the time such tax was assessed; all personal property sold for taxes in said village, shall be sold in accordance with the law governing sales of personal property by township treasurers.

**Conveyance
received in
evidence.**

**Personal
property,
how sold.**

**Assessment
roll delivered
to treasurer.**

Sec. 28. It shall be the duty of the common council to make or cause to be made a duplicate of the assessment roll of said village, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and annex to such duplicate a warrant signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council, commanding the treasurer of

said village to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, ^{Treasurer to collect taxes.} opposite their respective names, on or before the day specified in such warrant. And it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the ^{May sell goods for taxes.} same by distress and sale of the goods and chattels of such person.

Sec. 2. This act shall take immediate effect.

Approved February 13, 1869.

[No. 217.]

AN ACT to change the name of the village of Centerville, in the county of Tuscola, to that of Caro.

SECTION 1. *The People of the State of Michigan enact, That* ^{Name changed.} the name of the village of Centerville, in the county of Tuscola, be and the same is hereby changed to Caro.

Sec. 2. This act shall take immediate effect.

Approved February 13, 1869.

[No. 218.]

AN ACT to authorize school district number four, in the township of Mason, county of Cass, to issue bonds and borrow money to build a school-house.

SECTION 1. *The People of the State of Michigan enact, That* ^{Authorized to issue bonds.} the district board of school district number four, in the township of Mason, in the county of Cass, be and the same is hereby authorized to issue and negotiate the bonds of said district, in such sums and for such amounts, not exceeding one thousand ^{Limitation of amount.} dollars, and drawing not exceeding ten per cent. annual interest, and payable not exceeding five years from the date thereof, as such school district shall direct, by a vote of two-thirds of the qualified electors of said district, voting at any annual or special school meeting duly called for that purpose.

How money
to be ex-
pended.

Sec. 2. The money that may be borrowed by authority of this act, shall be expended in building a school-house, in and for said district, and for no other purpose.

Sec. 3. This act shall take immediate effect.

Approved February 13, 1869.

[No. 219.]

AN ACT to amend sections seven and ten of an act entitled "An act to incorporate the village of Newaygo," approved March sixteenth, one thousand eight hundred and sixty-seven, and to add a new section thereto, to stand as section thirty-four.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections seven and ten, of act number three hundred and fifty-five, entitled "An act to incorporate the village of Newaygo," approved March sixteenth, eighteen hundred and sixty-seven, be so amended as to read as follows:

Powers of
president
and trustees.

To appoint
officers.

Regulate
police.
Preserve
peace, etc.
Appoint
watchmen,
etc.

Organize fire
department.

Punish
vagrants,
etc.

Billiard
tables.

Tavern
keepers.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure, for the following purposes, namely:
For the appointment of a treasurer and prescribing his duties, one assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance of the public places, and property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disorderly assemblages, and disturbances; to appoint watchmen and policemen, and organize a fire department, and define their duties and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets, or other public places; to tax, or suppress billiard tables, and all other tables kept for hire, gain, or reward in said village; and shall have the exclusive power and authority to license such persons as tavern-keepers,

and common victualers, as they shall think best, but no license shall be in power except during the life of the board granting it; to prevent the selling or giving away of Liquors. spirituous or fermented liquors; to prevent and punish Immoderate driving. immoderate riding or driving in streets; to abate, prevent, Nuisances. and remove nuisances; to suppress all disorderly houses, Houses of ill-fame. and houses of ill-fame, and to punish the keepers, patrons, and inmates thereof; to prevent and compel the removal of Remove obstructions from streets. all incumbrances, encroachments, and obstructions upon the streets, lanes, alleys, parks, and public grounds; to compel Sidewalks. the owners and occupants of lots to clear sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the Storage of powder. storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, Fire-arms. and fire-works; to construct and regulate markets, the vending Markets. of poultry, meat, vegetables, fruits, and fish; to regulate the sale of hay, wood, lime, lumber, and coal; the sealing of weights Weights and measures. and measures; to regulate and maintain pounds, and to pro- Pounds. vide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese or other poultry; to prevent the running Dogs. at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, Cartmen, etc. cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works Water. to supply the village with water; light the streets; to borrow Lighting streets. money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and Wells and cisterns. prevent the waste of water; to prevent bathing in the public Bathing. streams; to purchase grounds for, and regulate cemeteries Cemeteries and the burial of the dead, to provide for the return of bills of mortality, and to order the use for burial purposes of any burial ground or cemetery, to be discontinued, whenever they may deem the same necessary for the best interests or

Boundaries.	health of the citizens; to ascertain, establish, and settle the
Grades.	boundaries of all the streets and alleys, and to establish grades
Drainage.	therefor; also, to order and cause lots to be drained or filled
Fences.	up, and to assess the cost and expense on the premises bene-
Erection of buildings, etc.	fited; to regulate the building of partition and other fences; to
Fire engines, etc.	establish lines upon which buildings may be erected, and be-
Fire limits, etc.	yond which such buildings shall not extend; to prevent the
Hazardous buildings.	erection of buildings in an unsafe manner, and to pass all
Regulate powers, etc. of village officers. Sidewalks.	necessary regulations relative to buildings deemed unsafe; to
Public high- ways, etc. Lay out streets, etc.	purchase and keep in order fire engines, and other fire appa-
Levy taxes.	ratus, and to construct buildings to store them, and to cause
Census.	each building occupied as a house, store, or shop, to be pro-
Locomotives	vided with fire-buckets and ladders; to establish fire limits,
	within which no wooden building shall be built, enlarged, or
	placed; to regulate party walls, chimneys, flues, and putting up
	stoves and stovepipes; to regulate the construction of smith-
	shops, planing establishments, bakeries, and all other buildings
	considered extra hazardous; to guard against fires; to regulate
	the duties, powers, and fees of the village officers; to prescribe
	the setting of posts and shade trees; to provide for the con-
	struction of sidewalks and repairing the same; to grade the
	walks, streets, alleys, and to prescribe the manner of planking
	or paving them, the cost and expense of which to be paid by
	assessment on the lots in front of or adjoining which either or
	all of said improvements shall be made, but not otherwise; but
	no one of said improvements, except paving, shall be made un-
	less the individuals owning one-half of the property to be as-
	sessed for the same improvement shall petition the president
	and trustees for that purpose; to construct and keep in repair
	the public highways, bridges, culverts, and sewers; to lay out
	new streets and alleys, and extend those already laid out, under
	the restrictions provided in this act; to vacate streets and
	alleys; to prescribe the levying and collection of the highway
	and other taxes; to provide for taking a census whenever they
	shall see fit; to regulate the running of locomotives and cars in

the limits of the village; to regulate grades of rail or plank roads; to regulate theatres, shows, and concerts; to regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawn-brokers; to regulate the covering of mill-races, at the expense of the owners thereof; to provide for removing drift-wood, and clearing the Muskegon river, and the Brooks creek, and all mill-races and ponds within the limits of the corporation, and to prevent the placing therein of any obstructions, and the depositing of all filth and impure matter, tending to render the water thereof unwholesome, and so to regulate and improve the channel of the Brooks creek as to secure the free and uninterrupted passage and discharge of the water thereof; to rail and curb, where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county, or State, excepting also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, but not until said individual shall be paid the value thereof, and of the buildings upon said land, and all damages he will sustain, as provided for in this act; for the violation of any by-law, rules and regulations, such reasonable penalties and fines may be imposed by the law itself as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Brooks, and any interest the inhabitants of the village of Newaygo, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all causes punishable by fines and penalties imposed by said by-laws, where the fine or penalty shall exceed one hundred dollars.

Regulate
grades.
Tax
auctioneers.

Covering
mill-races.
Drift-wood
in Muskegon
river.

Brooks'
creek.

Curb walks.

Levy taxes.

Take land
for streets.

Impose fines,
etc.

Fines; how
recovered.

Jurisdiction
of circuit
court.

Publication
of ordinance

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published one week in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of the corporation by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

Registration
of voters.

Sec. 34. For the purpose of having a correct registration of the votes of said village, the president and trustees of said village shall appoint a board of registration, which board shall consist of three, and shall meet at the office of the township clerk of the township of Brooks, in said village, at the same time, and shall have the same powers in all respects as township boards of registration now possess: *Provided*, That the clerk of said village shall be the clerk of said registration board, and shall be a member thereof.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved February 15, 1869.

[No. 220.]

AN ACT to authorize the First Baptist Church and Society, and the Second Baptist Church and Society, of the city of Grand Rapids, to unite and consolidate with, and to vest their property in the Baptist Church and Society of the city of Grand Rapids.

Preamble.

Whereas, The First Baptist Church and Society, and the Second Baptist Church and Society, of the city of Grand Rapids, desire to unite and be consolidated into one church and society, and to that end have given letters of dismissal to certain of their members, who have formed themselves into a new church and society, in accordance with the provisions of chapter sixty-eight, of the compiled laws, and the acts amendatory thereof, and who have elected six trustees, namely: Wil-

iam Hovey, Lewis C. Davidson, William D. Tolford, Edward B. Escott, Phillip M. Goodrich, and John C. Buchanan, by the corporate name and style of "The Trustees of the Baptist Church and Society of the city of Grand Rapids," to take charge of the property belonging thereto, and transact all the affairs relative to the temporalities thereof; therefore,

SECTION 1. *The People of the State of Michigan enact, That* Consolidation authorized.
the First Baptist Church and Society, of the city of Grand Rapids, and the Second Baptist Church and Society of the city of Grand Rapids, be and they are hereby authorized to unite and consolidate with the Baptist Church and Society of the city of Grand Rapids, which may be done by the vote of A two-thirds vote necessary.
two-thirds of the members present at a meeting of each said First and Second Baptist Churches and Societies, called for that purpose by the minister, or, in his absence, by one of the deacons thereof, notice of said meeting to be publicly given to Notice of meeting.
the congregation of the time when, and the place where the same shall be held, at least fifteen days before the day of said meeting; and such notification shall be given for two successive Sabbaths, on which such congregation shall statedly meet for public worship, next preceding the said meeting.

Sec. 2. The deacons of each of said churches, or, in the absence of them, or either of them, any member or members Who to be inspectors of election.
present, to be nominated by a majority of the members present to act in the place of the absent deacon or deacons, as the case may be, shall be the inspectors of the election, to take the vote at the said meeting of their respective church and society, on the question of the consolidation and union aforesaid; and Certificate of inspectors.
if two-thirds of the members present at each meeting shall vote in favor of said union and consolidation, the said inspectors shall make two certificates of the vote, signed by them, and verified by their affidavits. One of said certificates shall be Where filed and recorded
filed in the office of the county clerk of Kent county, and the other shall be filed and recorded in the office of the register of deeds for said county. And thereupon the said First Baptist

When con-
solidation
effected.

Rights,
property and
estate, in
whom vested

Subject to
former laws.

Church and Society, of the city of Grand Rapids, and the said Second Baptist Church and Society, of the city of Grand Rapids, shall be united and consolidated with, and merged in the Baptist Church and Society of the city of Grand Rapids; and all the rights, property and estate, real and personal, of and belonging to each of said first-mentioned churches and societies, shall be thereupon vested in, and belong to the said William Hovey, Lewis C. Davidson, William D. Tolford, Edward B. Escott, Phillip M. Goodrich, and John C. Buchanan, the trustees of the Baptist Church and Society of the city of Grand Rapids, and their successors in office, forever, with like effect as if said rights, property, and estate, had been originally granted to, or acquired, or purchased by said Baptist Church and Society, of the city of Grand Rapids, subject in all respects to the provisions of chapter sixty-eight, of the compiled laws, and the acts amendatory thereof.

Sec. 3. This act shall take immediate effect.

Approved February 15, 1869.

[No. 221.]

AN ACT to amend an act entitled "An act to authorize the city of Lansing, in the county of Ingham, to vote aid to the Ionia and Lansing Railroad Company, under the provisions of act number three hundred and twenty-four, of session laws of eighteen hundred and sixty-five," approved January twentieth, eighteen hundred and sixty-nine.

Act
amended.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to authorize the city of Lansing, in the county of Ingham, to vote aid to the Ionia and Lansing Railroad Company, under the provisions of act number three hundred and twenty-four, of session laws of eighteen hundred and sixty-five," approved January twentieth, eighteen hundred and sixty-nine, be and the same is hereby amended by adding thereto a new section, as follows:

Sec. 2. The mayor of the city of Lansing may call the meet-^{Call of meeting.}ing or meetings of the electors, and give public notice thereof, as provided in said act number three hundred and twenty-four, of the laws of eighteen hundred and sixty-five; and the mayor^{Board of inspectors.} and any two electors to be selected by the meeting when convened, shall constitute the board of inspectors of election at such meeting, which board shall make return of the proceedings of^{Returns of proceedings by inspectors.} such meeting to the common council of said city, within twenty-four hours after the adjournment of the meeting. The mayor^{Mayor and council to be governed by former act.} and common council of the city of Lansing shall, in carrying out the provisions of this act, perform all duties required by said act number three hundred and twenty-four, of laws of eighteen hundred and sixty-five, to be performed by township boards, so far as applicable; and whenever township or townships are named in the said last-mentioned act, it shall be construed and deemed to mean the city of Lansing, so far as applicable to, and not inconsistent with the provisions of this act.

Sec. 2. This act shall take immediate effect.

Approved February 15, 1869.

[No. 222.]

AN ACT to authorize the water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city.

SECTION 1. *The People of the State of Michigan enact, That* ^{Power of board to borrow money.} the board of water commissioners of the city of Detroit, shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money ^{Limit to amount.} not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority ^{Issue of bonds.} to issue bonds pledging the faith and credit of said city for payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commission-

How money
to be ex-
pended.

Sec. 2. The money that may be borrowed by authority of this act, shall be expended in building a school-house, in and for said district, and for no other purpose.

Sec. 3. This act shall take immediate effect.

Approved February 13, 1869.

[No. 219.]

AN ACT to amend sections seven and ten of an act entitled "An act to incorporate the village of Newaygo," approved March sixteenth, one thousand eight hundred and sixty-seven, and to add a new section thereto, to stand as section thirty-four.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That sections seven and ten, of act number three hundred and fifty-five, entitled "An act to incorporate the village of Newaygo," approved March sixteenth, eighteen hundred and sixty-seven, be so amended as to read as follows:*

Powers of
president
and trustees.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure, for the following purposes, namely:

To appoint
officers.

For the appointment of a treasurer and prescribing his duties, one assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance of the public places, and

Regulate
police.
Preserve
peace, etc.
Appoint
watchmen,
etc.

property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disorderly assemblages, and disturbances; to appoint watchmen and policemen, and organize a fire department, and define their

Organize fire
department.

duties and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious be-

Billiard
tables.

havior in the streets, or other public places; to tax, or suppress billiard tables, and all other tables kept for hire,

Tavern
keepers.

gain, or reward in said village; and shall have the exclusive power and authority to license such persons as tavern-keepers,

and common victualers, as they shall think best, but no license shall be in power except during the life of the board granting it; to prevent the selling or giving away of ^{Liquors.} spirituous or fermented liquors; to prevent and punish ^{Immoderate driving.} immoderate riding or driving in streets; to abate, prevent, ^{Nuisances.} and remove nuisances; to suppress all disorderly houses, ^{Houses of ill-fame.} and houses of ill-fame, and to punish the keepers, patrons, and inmates thereof; to prevent and compel the removal of ^{Remove obstructions from streets.} all incumbrances, encroachments, and obstructions upon the streets, lanes, alleys, parks, and public grounds; to compel ^{Sidewalks.} the owners and occupants of lots to clear sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the ^{Storage of powder.} storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, ^{Fire-arms.} and fire-works; to construct and regulate markets, the vending ^{Markets.} of poultry, meat, vegetables, fruits, and fish; to regulate the sale of hay, wood, lime, lumber, and coal; the sealing of weights ^{Weights and measures.} and measures; to regulate and maintain pounds, and to pro- ^{Pounds.} vide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese or other poultry; to prevent the running ^{Dogs.} at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, ^{Cartmen, etc.} cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works ^{Water.} to supply the village with water; light the streets; to borrow ^{Lighting streets.} money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and ^{Wells and cisterns.} prevent the waste of water; to prevent bathing in the public ^{Bathing.} streams; to purchase grounds for, and regulate cemeteries ^{Cemeteries} and the burial of the dead, to provide for the return of bills of mortality, and to order the use for burial purposes of any burial ground or cemetery, to be discontinued, whenever they may deem the same necessary for the best interests or

Boundaries.	health of the citizens; to ascertain, establish, and settle the
Grades.	boundaries of all the streets and alleys, and to establish grades
Drainage.	therefor; also, to order and cause lots to be drained or filled
Fences.	up, and to assess the cost and expense on the premises bene-
Erection of buildings, etc.	fited; to regulate the building of partition and other fences; to
Fire engines, etc.	establish lines upon which buildings may be erected, and be-
Fire limits, etc.	yond which such buildings shall not extend; to prevent the
Hazardous buildings.	erection of buildings in an unsafe manner, and to pass all
Regulate powers, etc. of village officers. Sidewalks.	necessary regulations relative to buildings deemed unsafe; to
Public high- ways, etc. Lay out streets, etc.	purchase and keep in order fire engines, and other fire appa-
Levy taxes.	ratus, and to construct buildings to store them, and to cause
Census.	each building occupied as a house, store, or shop, to be pro-
Locomotives	vided with fire-buckets and ladders; to establish fire limits,
	within which no wooden building shall be built, enlarged, or
	placed; to regulate party walls, chimneys, flues, and putting up
	stoves and stovepipes; to regulate the construction of smith-
	shops, planing establishments, bakeries, and all other buildings
	considered extra hazardous; to guard against fires; to regulate
	the duties, powers, and fees of the village officers; to prescribe
	the setting of posts and shade trees; to provide for the con-
	struction of sidewalks and repairing the same; to grade the
	walks, streets, alleys, and to prescribe the manner of planking
	or paving them, the cost and expense of which to be paid by
	assessment on the lots in front of or adjoining which either or
	all of said improvements shall be made, but not otherwise; but
	no one of said improvements, except paving, shall be made un-
	less the individuals owning one-half of the property to be as-
	essed for the same improvement shall petition the president
	and trustees for that purpose; to construct and keep in repair
	the public highways, bridges, culverts, and sewers; to lay out
	new streets and alleys, and extend those already laid out, under
	the restrictions provided in this act; to vacate streets and
	alleys; to prescribe the levying and collection of the highway
	and other taxes; to provide for taking a census whenever they
	shall see fit; to regulate the running of locomotives and cars in

the limits of the village; to regulate grades of rail or plank roads; to regulate theatres, shows, and concerts; to regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawn-brokers; to regulate the covering of mill-races, at the expense of the owners thereof; to provide for removing drift-wood, and clearing the Muskegon river, and the Brooks creek, and all mill-races and ponds within the limits of the corporation, and to prevent the placing therein of any obstructions, and the depositing of all filth and impure matter, tending to render the water thereof unwholesome, and so to regulate and improve the channel of the Brooks creek as to secure the free and uninterrupted passage and discharge of the water thereof; to rail and curb, where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county, or State, excepting also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, but not until said individual shall be paid the value thereof, and of the buildings upon said land, and all damages he will sustain, as provided for in this act; for the violation of any by-law, rules and regulations, such reasonable penalties and fines may be imposed by the law itself as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Brooks, and any interest the inhabitants of the village of Newaygo, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all causes punishable by fines and penalties imposed by said by-laws, where the fine or penalty shall exceed one hundred dollars.

Regulate
grades.
Tax
auctioneers.

Covering
mill-races.
Drift-wood
in Muskegon
river.

Brooks'
creek.

Curb walks.

Levy taxes.

Take land
for streets.

Impose fines,
etc.

Fines; how
recovered.

Jurisdiction
of circuit
court.

Ibid.

their successors shall be elected and qualified. There shall also be elected, annually, one school inspector, who shall hold his office for two years, and until his successor shall be elected and qualified. There shall also be elected annually, one justice of the peace, who shall hold his office for four years, and until his successor shall be elected and qualified.

Sec. 2. Section seven of said act number fifty-three, as amended by section one of said act number seventy-one, of session laws of eighteen hundred and sixty-one, shall be and the same is hereby altered and amended to read as follows:

Common
council to
appoint cer-
tain officers.

Sec. 7. The common council shall have power to appoint an attorney for the city, a marshal, who shall be *ex officio* street commissioner, and deputy marshals, one or more deputy street commissioners, a deputy recorder, who shall have no power or authority to act in the meetings of the common council, and at other times and places, only in case of death, absence, or inability of the recorder to discharge the duties of his office, and such other officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the treasurer, or any constable of said city, for any violation of the provisions of this act, or of any amendment thereof, or of any by-law or ordinance, or for neglecting or refusing to perform the lawful requirements of said common council, in a manner to be provided by the by-laws or ordinances of said common council;

Power of
common
council to
make re-
movals.

To fill vacan-
cies.

and in case of the death, resignation, or removal from the city, or from the ward from which he was elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy, for the unexpired portion of his term of office: *Provided*, Such appointment shall not extend beyond the next annual election of said city, and until his successor shall be elected and qualified; all officers so appointed shall be notified and qualified as herein directed: *Pro-
vided*, That the common council may at any time order a special election to fill vacancies in any office which is elective under

Provided.

Ibid.

this act, in which case the common council shall designate the time and places for holding such special election, and the same notice shall be given as for an annual election, stating the office or offices to be filled; and any person so elected shall hold and serve for the remainder of the term of said office.

Sec. 3. This act shall take immediate effect.

Approved February 19, 1869.

[No. 227.]

AN ACT to legalize the election of trustees in the village of St. Johns, for the year eighteen hundred and sixty-eight.

SECTION 1. *The People of the State of Michigan enact, That* ^{Election legalized.} the election of trustees in the village of St. Johns, at the election held on the first Monday of March, in the year of our Lord one thousand eight hundred and sixty-eight, shall be as valid in law as though the words "three assessors," in section two, of article three, of "An act to incorporate the village of St. Johns," approved March second, eighteen hundred and sixty-seven, had read "three trustees"

Sec. 2. This act shall take immediate effect.

Approved February 19, 1869.

[No. 228.]

AN ACT to amend section nineteen of an act entitled "An act to incorporate the village of Farmington," approved March twenty-fifth, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section nineteen of an act entitled "An act to incorporate the village of Farmington," approved March twenty-fifth, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:

Power of
common
council.

Suppress
billiard
tables.

Disorderly
houses.

Prevention
of fires.

Punish va-
grants, etc.

Make
by-laws.

Impose
fines, etc.

Sec. 19. The common council shall have power to suppress and restrain all billiard tables, and all other gaming tables kept for hire, gain or reward, in said village; also, full power and authority to make all such by-laws and ordinances as they may deem necessary for preventing or suppressing all disorderly or bad houses; for securing said village and the inhabitants thereof against fire; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and shall have power and authority to make all such by-laws and ordinances, as to them shall seem necessary for the safety and good government of said village, and the inhabitants thereof, and to impose all fines, penalties and forfeitures on all persons offending against the same.

Approved February 19, 1869.

[No. 229.]

AN ACT to extend the time for the collection of taxes in the township of Hudson, in the county of Lenawee, for the year eighteen hundred and sixty-eight.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Hudson, in the county of Lenawee, for the year eighteen hundred and sixty-eight, be and the same is hereby extended until the first Monday of April next.

Treasurer;
power of.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return at any time before the first Monday of April next; and said warrant is hereby continued in full force and virtue until that time.

Warrant
continued in
force.

Bond
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his war-

rant, as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall ^{Return of unpaid taxes.} be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 24, 1869.

[No. 230.]

AN ACT to detach certain territory in the township of Otisco, in Ionia county, and attach the same to the township of Keene, in the same county.

SECTION 1. *The People of the State of Michigan enact, That* ^{Certain territory detached from Otisco and attached to Keene.} so much of township number seven north, of range number eight west, which at present is embraced in the organized township of Otisco, in Ionia county, be and the same is hereby detached from the said township of Otisco, and that the same be and is hereby attached to the organized township of Keene, in the same county.

Sec. 2. This act shall take immediate effect.

Approved February 24, 1869.

[No. 231.]

AN ACT to repeal act number four hundred and thirty, of the session laws of eighteen hundred and sixty-seven, approved March twenty-fifth, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act repealed.} act number four hundred and thirty, of the session laws of eighteen hundred and sixty-seven, being "An act to provide

for the improvement of the highway leading from the village of Lyons, to the village of Muir, in the county of Ionia," approved March twenty-fifth, eighteen hundred and sixty-seven, be and the same is hereby repealed.

Sec. 2. That this act shall take immediate effect.

Approved February 24, 1869.

[No. 232.]

AN ACT to amend an act entitled "An act to incorporate the village of Ionia," approved February seventeenth, eighteen hundred and sixty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to incorporate the village of Ionia," approved February seventeenth, eighteen hundred and sixty-five, be and the same is hereby amended so as to read as follows:

Election of
officers.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at Amphlett's Hall, in said village, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of said village, and there by ballot shall elect, by plurality of votes, one person to be president of said village; and three persons shall, in like manner, be elected trustees for one year, and three for two years; and annually thereafter a president shall be elected as aforesaid, who shall hold his office for one year, and three trustees shall be elected, who shall hold their offices

When elec-
tion is not
held on the
day specified

for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act

Village
board; who
to constitute

for the holding of the regular election. The president and three trustees thus elected, together with three trustees whose

term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president also shall be the chief executive officer of the village. He shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties of president; and the president and board of trustees shall, within one week after any annual election, appoint a suitable person to perform the duties of marshal of said village for one year, unless sooner removed, as hereinafter provided; and the said marshal shall, before entering upon the duties of said office, give official bond to the people of this State, in such sum and with such sureties, to be approved by the president and trustees, conditioned that he will faithfully account for, and pay over all moneys which may come into his hands, as marshal, and for the faithful performance of his official duties.

President to be chief executive officer, etc.

President pro tem.; powers and duties of.

Marshal.

Bond of.

Sec. 3. This act shall take immediate effect.

Approved February 24, 1869.

[No. 233.]

AN ACT relative to free schools in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That* the city of Detroit shall be considered as one school district, and all schools now organized and hereafter to be organized therein, in pursuance of this act, shall, under the direction and regulations of the board of education, be public and free to all children residing within the limits thereof, between the ages of five and twenty years, inclusive.

Detroit considered one school district.

Sec. 2. The board of education of the city of Detroit shall consist of two school inspectors from each and every ward of

Board of education; who to compose.

- Election of inspectors; term of office** said city, to be elected in the manner following: At every annual charter election, there shall be elected one inspector for each ward, who shall hold his office for the term of two years:
- Proviso.** *Provided*, That the present members of the board of education shall hold their offices for the term for which they were severally elected, and no school inspector shall receive any compensation for his services.
- Vacancy in office of inspector; how filled.** Sec. 3. In case of a vacancy in the office of school inspector, the common council of the city of Detroit may, on nomination by the mayor, fill the same until the next annual election, when, if such vacancy happen in the first year of the term of said office, the electors of the proper ward may choose a suitable person to fill the remainder of such term: *Provided*, The city clerk shall give notice of such vacancy prior to such election, as may be required in other cases.
- Refusal of inspector to serve; how punished.** Sec. 4. Every person elected to the office of school inspector, who, without sufficient cause, shall neglect or refuse to serve, shall forfeit to the board of education, for the use of the public library, the sum of ten dollars, to be recovered in an action of debt in some competent court; and the said board shall make all necessary rules and regulations relative to its proceedings, and punish by fine, not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, to be collected as they may direct: *Provided*, That no person shall be compelled to serve two terms successively: *Provided, also*, That the removal of any member of the board of education from the ward for which he is elected school inspector, after such election, shall not operate to vacate his office; but notwithstanding such removal, any inspector so removing shall continue to hold his said office, and to be a member of said board: *Provided, however*, That the removal of such member shall not be from the city.
- Absence from meeting; fine for.** Sec. 5. The school inspectors, together with the mayor and recorder of said city, (who are declared to be *ex officio* school inspectors, having a right to a seat at the meetings of the
- Proviso.**
- Ibid.**
- Ibid.**
- Body corporate.**

board for the purpose of deliberation, but who shall have no vote therein,) shall be a body corporate, to be known and distinguished by the name and style of "The Board of Education of the city of Detroit," and in that name may be capable of suing and being sued, and of holding, and selling, and conveying real and personal property, as the interest of the said free schools may require.

Sec. 6. The board of education (a majority whereof shall form a quorum) may meet, from time to time, at such place in said city as they shall designate. They may elect one of their own number president, and in the absence of the president at any meeting, a majority of the inspectors present may choose one of their number president *pro tem*.

Sec. 7. The said board shall annually, at the first regular meeting in July, appoint a suitable person as superintendent of free schools under their control, and they shall, also, at the same meeting in July, appoint a treasurer of said board, who shall have the keeping of all moneys belonging to said schools, and said treasurer shall not pay out or expend the school moneys without the authority of said board; and said treasurer shall also be required to give bonds in such penal sum as the board shall deem necessary, for the faithful performance of his duties.

Sec. 8. The board of education shall have full power and authority, and it shall be their duty to apply for and receive from the county treasurer, or other officer, all moneys appropriated for primary schools and district library of said city, and to designate a place where the library may be kept. The said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city, between the ages of five and twenty years; relative to making all necessary reports, and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three (3)

How known.

Powers of.

Meeting of board.

Board to elect a president.

Appointm't of superintendent of free schools.

Treasurer of board.

Bond of.

Power of board to receive money from county treasurer, etc., for libraries.

To make by-laws, etc., relative to census.

Reports.

Visitation of schools.

Employment
of teachers.

Regulation
of schools
and books.

To appoint
officers.

months in each year; relative to the employment and examination of teachers—their powers and duties; relative to regulation of schools, and the books to be used therein; relative to the appointment of necessary officers, and prescribing their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of the free schools in said city, and the welfare of the public concerning the same.

Jurisdiction
of recorder's
court.

Sec. 9. The recorder's court shall have jurisdiction of all suits wherein the said board may be a party, and all prosecutions for violation of its by-laws and ordinances.

Annual
statement
and contents

Sec. 10. The said board shall annually publish in some newspaper of the city, (or in pamphlet form,) a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued by them, and the expenditures for all things authorized by this act.

Library.

Sec. 11. The board of education shall establish and maintain a district library.

Common
council to
raise money
by tax, for
school ex-
penses.

Sec. 12. The common council are hereby required, once in each year, to assess and levy a tax on all the real and personal property in the said city, according to the city assessment rolls of that year, which shall not be less than four dollars for every child in said city between the ages of five and twenty years, the number of children to be ascertained by the last report on the subject, on file in the office of the clerk of the county of Wayne, or in the office of the secretary of said board of education, and certified by the president thereof; and said tax shall be collected in the same manner as the moneys raised to defray the general expenses of the said city; and all said moneys shall be disbursed by the authority of said board for the maintenance and support of said schools, and for no other purpose.

Board of ed-
ucation to
make esti-
mate of ex-
penses.

Sec. 13. That it shall be the duty of the board of education of the city of Detroit, annually to make an estimate of the amount of taxes deemed necessary for the ensuing, or then current year, for all purposes of expenditure within the powers

of said board, which estimate shall specify the amounts required for the different objects of expense as particularly as may be, including teachers' salaries, purchase of lots, buildings, repairs, fuel, and general current expenses.

Sec. 14. That for purchasing lots, and paying for lots already purchased in said city for the use of the free schools thereof, and for erecting school-houses, with the necessary out-buildings, fixtures, and furniture on any lots now owned by said board in said city, or which said board may hereafter acquire, the said board is hereby authorized and empowered to levy and collect, in addition to all other taxes authorized by this act to be assessed and levied for school purposes in the city of Detroit, a sum not to exceed in any one year five mills on the dollar of all the taxable valuation of the real and personal property in said city; said tax, when so levied and collected as provided in section twelve of this act, shall be paid to the treasurer of said board of education, on the order of the president thereof, and shall vest in said board for the sole purposes hereinbefore stated: *Provided*, That it shall be competent for the common council of the city of Detroit to issue the bonds of said city for the whole or any part of the said tax, not exceeding in any one year five mills on the dollar of the taxable valuation of the real or personal property as aforesaid, said bonds to run twenty years, but payable at any time after five years, and bearing interest at the rate of seven per cent. per annum.

Sec. 15. It shall be the duty of the president of said board of education to submit, or cause to be submitted to the approval of the citizens of said city, at the meeting required by law to be held for the approval of such annual taxes voted by the common council of said city, as require such approval of a citizens' meeting, the said tax, not exceeding five mills on the dollar of the taxable valuation of the real and personal property as aforesaid; and the said citizens' meeting may, if said estimate shall be approved, determine what portion of said tax shall be levied and collected in that year, and what portion

Extra tax
may be
levied

Treasurer of
board of ed-
ucation to
receive tax.

Proviso.

Tax must be
approved at
citizens'
meeting.

Citizens to
determine
how money
shall be
paid.

raised by the issue of the bonds of the city provided in section fourteen of this act.

When receiver of taxes to notify secretary of board

Sec. 16. When the collectors of said city shall have made their final returns of the collection of taxes, the receiver of taxes of said city shall thereupon notify the secretary of said board of education, stating the whole amount of school tax provided for in this act, the amount collected, and the amount returned by them as unpaid or uncollected.

When city treasurer to pay moneys to treasurer of board.

Sec. 17. The city treasurer shall, on the order of the said board, pay to the treasurer of the said board of education, the moneys accruing from the taxes provided for in this act for the support of the said free schools, taking his receipt therefor, endorsed on the back of the president's order, and also a duplicate receipt, which he shall file with the secretary of the said board.

Taxes to be set forth in separate column.

Sec. 18. That all taxes which have been or may hereafter be assessed and levied by the common council, under and by virtue of the authority conferred by this act, shall be set forth in the assessment roll of said city, in a separate column, apart and distinguished from all other city taxes.

Power of board, to borrow money and issue bonds.

Sec. 19. That said board of education may from time to time, on such term or terms of payment as they may deem proper, borrow a sum or sums of money for temporary purposes, not exceeding in all the sum of fifteen thousand [dollars] (\$15,000), for the purposes of the free schools, as specified in this act, and to issue the bonds of said board in such form, and executed

Bonds to be a charge upon property of board.

in such manner as said board may direct. The bonds issued under this act shall be a charge upon all the property of said board, which shall constitute a security for the payment thereof:

Proviso.

Provided, That the said board shall issue no bond for a less sum than five hundred dollars.

Non-resident tax-payer may send scholars.

Sec. 20. Any non-resident paying taxes in the said school district of the city of Detroit, may send scholars to any school therein, and such persons shall for that purpose have and enjoy all the rights and privileges of a resident of said district.

Sec. 21. All acts or parts of acts, inconsistent with this act, ^{Acts} heretofore passed, pertaining to the free schools of the city of ^{repealed.} Detroit, are hereby repealed.

Sec. 22. This act shall take immediate effect.

Approved February 24, 1869.

[No. 234.]

AN ACT to amend section one, of act number two hundred and ninety-one, of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Hubbardston," approved March second, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section one, of act number two hundred and ninety-one, of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Hubbardston," approved March second, eighteen hundred and sixty-seven, be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all of that tract of country situated in the counties of Ionia and Clinton, State of Michigan, and described as follows, to wit: The east half, and the east half of the west half of section number twelve; the north-east quarter, and the east half of the north-west quarter of section thirteen, township eight north, of range five west; and the west half of the west fractional half of section seven; and the west half of the north-west fractional quarter of section eighteen, in township eight north, of range four west, be and the same is hereby constituted a village corporate, by the name of the village of Hubbardston.

Sec. 2. This act shall take immediate effect.

Approved February 24, 1869.

[No. 235.]

AN ACT to amend sections one, seven and twenty-six, of an act to revise the charter of the village of Hastings, approved March 22d, one thousand eight hundred and sixty-seven.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That sections one, seven and twenty-six, of an act entitled "An act to revise the charter of the village of Hastings," approved March 22d, one thousand eight hundred and sixty-seven, be amended so as to read as follows:*

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That so much of the township of Hastings, in the county of Barry, as is embraced in the following described lands, to-wit: The south half of section eight, the south-east quarter of section seven, the entire of section seventeen, the east three-fourths of section eighteen, the north half of the north-east quarter of section nineteen, the north half of the north-east quarter, and the north half of the north-west quarter of section twenty, be and the same is hereby constituted a village corporate, under the name of the "Village of Hastings."*

Power of
president
and trustees
to ordain by-
laws.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes,

Appoint
officers.

viz: For the appointment of such officers (whose election is not herein provided for) for said village as they may deem

Fix compen-
sation.

necessary, and to fix the compensation for their services; and also, such as they may deem necessary and right for the main-

Regulate
police.
Prevent
riots.

tenance and preservation of the public places, property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen,

Organize fire
department.

and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, appre-

Punish va-
grants, etc.

hend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or public places; to suppress and restrain disorderly

and gaming houses, billiard tables, and other devices and in- Suppress gaming houses.
 struments of gaming; and shall have the exclusive power and
 authority to license such persons as tavern keepers and com- License tavern keepers.
 mon victualers, as they shall think best, (but no license shall
 be in force except during the life of the board granting it;) to Prevent selling of liquors.
 prevent the selling or giving away of spirituous or fermented
 liquors to drunkards, minors or apprentices; to prevent and Immoderate driving.
 punish immoderate riding or driving in the streets; to abate,
 prevent and remove nuisances; to suppress all disorderly Suppress houses of ill-fame.
 houses and houses of ill-fame, and to punish the keepers and
 inmates thereof; to prevent and compel the removal of all in- Compel removal of incumbrances.
 cumbrances, encroachments, and obstructions upon the streets,
 walks, lanes, alleys, parks and public grounds; to compel the Compel owners to clear side-walks.
 owners or occupants of lots to clear the side-walks in front of
 and adjacent thereto, of snow, ice, dirt, mud, boxes, and every
 incumbrance or obstruction thereto; to regulate the storage of Storage of powder
 powder, lumber, or other combustible material; to prevent the Use of fire-arms.
 use of fire-arms, slung-shots, and other weapons, and fire-
 works; to construct and regulate markets; to regulate the sale Regulate markets.
 of poultry, meat, vegetables, fruit, fish, hay, wood, lime, lumber
 and coal; to regulate the gauging of vessels containing liquor,
 the sealing of weights and measures; to regulate and maintain Pounds.
 pounds, and to provide for the restraint of horses, cattle, sheep,
 swine, mules, and other animals, geese, or other poultry; to Dogs to be muzzled.
 prevent the running at large of dogs, to require them to be
 muzzled, and to authorize their destruction if found at large
 in violation of any ordinance; to regulate and license cartmen, License cartmen.
 porters, hacks, cabs, and to regulate their rates of compensa-
 tion; to prevent runners from soliciting travelers; to construct Construct hydraulic works.
 hydraulic works to supply the village with water; to light the
 streets; to borrow money for public improvements, not exceed- Borrow money.
 ing one thousand dollars in any one year, unless a majority of
 the qualified electors of said village, assembled at any annual
 meeting, shall otherwise determine; to establish wells and cis- Establish wells.
 terns, and to prevent the waste of water; to prevent bathing in

Regulate
cemeteries.
Return of
bills of
mortality.

Establish
boundaries.

Fill up
swamps.

Regulate
fences.
Establish
building
lines.

Purchase
fire engines.

Establish
fire limits.
Regulate
partition
walls.

Guard
against fires.
Regulate fees
of officers.

Construct
sidewalks.

Levy
assessments.

Proviso.

public streams; to purchase grounds for and regulate cemeteries, and the burial of the dead, and to provide for the return of the bills of mortality, and to order the removal of the dead from any burying ground, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued, whenever they may deem the same necessary for the best interests or health of the citizens; to ascertain, establish, and settle the boundaries of all streets and alleys, and to establish grades therefor; also, to order and cause to be drained or filled up, all pools or swamps in said village, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase, and keep in order, fire engines, and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store, or shop, to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate partition walls, chimneys, flues, and the putting up of stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers, except the president and trustees, who shall be allowed no pay; to prescribe the setting of posts and shade trees; to provide for the construction of side-walks, and repairing the same; to grade the walks, streets, and alleys, and to prescribe the manner of planking or repairing them; the cost and expense of repairing side-walks, grading the walks, streets and alleys, the paving or planking, to be paid by assessments on the lot in front of or adjoining either or all of such improvements which shall be made: *Provided*, That so much money belonging to the highway fund of said village as the common council may direct, may be expended for grading;

and the president and trustees shall have power to construct ^{Repair highways.} and keep in repair the public highways, bridges, culverts, and sewers; to lay out new streets and alleys, and to extend those ^{Lay out and extend streets.} already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the laying and collecting ^{Collect taxes.} of the highway and other taxes; to provide for taking a census ^{Take census.} whenever they shall see fit; to regulate theatres, shows, and ^{Regulate theatres, etc.} concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawn-brokers; to regulate the covering of mill races, at ^{Covering of mill-races.} the expense of the owners thereof; to rail and curb, when necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within ^{Tax real estate.} the limits of the village, except property belonging to the village, town, county, or State; excepting also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of an individual for the purpose of constructing, widening, or extending streets, lanes, alleys, drains, or ^{Take private property for streets.} sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be ^{Impose penalties.} imposed as the common council may deem proper; and when any fine or penalty does not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Hastings; and any interest the inhabitants of the ^{Villagers competent as jurors.} village of Hastings may have in the fine or penalty to be recovered, shall not disqualify any inhabitant to try said cause, or serve as a juror or witness therein; and the circuit court for ^{Jurisdiction of circuit court.} the county of Barry shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of said ^{President and trustees to be commissioners of highways.} corporation shall have exclusive power, and it shall be their

Duties of.	duty to perform, within the limits of said corporation, all the duties that by law belong to the commissioners of highways in the several townships of this State, and shall appoint one or more commissioners of streets and highways, whose duty it shall be, under the direction of said common council, to repair and keep in order all the highways, streets and alleys of said
Street tax.	village; and it shall further be the duty of said common council to cause a tax to be levied and collected upon the real and personal property of said village, of not more than one per cent. upon the assessed value of the same in any one year, as
Poll tax.	a street tax; and no other street or highway tax shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one, and under the age of fifty years, residing in said village on the first day of April, in each and every year, except lunatics, idiots, paupers, and blind persons, and those excepted in section twenty-five of this act, shall be
Refusal to pay.	liable to pay a poll tax of one dollar per annum, to be collected by the treasurer of said village; and every person who shall be so liable to pay such poll tax, and who shall neglect or refuse to pay the same within ten days after demand made upon
Fine.	him therefor, by the treasurer, shall forfeit to the use of said corporation the sum of five dollars, to be collected and recovered in a suit brought as prescribed in section six of this act, in an action of debt, before any justice of the peace in said township of Hastings; and the president and trustees shall cause a list of all persons liable to pay said poll tax to be made out and delivered to the treasurer of said village, on or before
Highway money; how controlled.	the thirtieth day of April, in each and every year; and the president and trustees shall have the exclusive control of the street and highway money herein provided to be raised on the real and personal property of said village, when the same shall
Proviso.	be levied and collected: <i>Provided</i> , That their power to order fences to be removed, and to remove such fences as are so ordered to be removed by them, and to open, widen, and extend streets and highways in said village, shall not be restricted to

any particular time in the year, but they may exercise said power at any time during the year, at their discretion: *And* ^{md.} *provided further*, That nothing herein contained shall be so construed as to prevent the commissioners of highways of the township of Hastings from building, rebuilding, or repairing any bridge or bridges in said corporation, and grading the approaches thereto, the same as if such corporation had no existence, nor so construed as to exempt any person or property, within the limits of said village corporation or township of Hastings from any special tax that may be legally assessed to defray the expenses of building or repairing any bridge, or laying out, opening, working and improving any highways, outside of the limits of said village corporation; nor shall the same be construed in any manner to exempt the property of said township or village from taxes legally levied to pay any damage which said township of Hastings may become liable for, on account of any neglect to keep in proper repairs, any bridge or highway in said township or village.

Sec. 2. This act shall take immediate effect.

Approved February 24, 1869.

[No. 236.]

AN ACT to incorporate the village of Stanton.

SECTION 1. *The People of the State of Michigan enact*, That all ^{Boundaries.} those parts of sections, tracts, pieces, and lots of land and country situated in Montcalm county, and State of Michigan, and described as follows, viz: The south half, and the south half of the north-west quarter, and the south half of the north-east quarter of section (31) thirty-one, in township eleven north, of range six west; the south-east quarter, and south half of the north-east quarter of section thirty-six, township eleven north, of range seven west; the north fractional half, and north half of the south-east quarter, and the north half of

the south-west quarter of section one, in township ten north, of range seven west; the north-west fractional quarter, and the north half of the south-west fractional quarter of section six, in township ten north, of range six west, be and the same are hereby constituted a village corporate, by the name of the village of Stanton.

Officers
elected.

Term of
office.

Village
board.

President;
duties of.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at Harmon Smith's land office in said village, on the second Monday of March next, and on the second Monday of March annually thereafter, at such place or places as shall be provided in the by-laws of said village, and there by ballot, shall elect, by plurality of votes, one person to be president of said village; and three persons shall, in like manner, be elected trustees for one year, and three for two years, and one person, also, shall be elected marshal; and annually thereafter a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular elections. The president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village. He shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence, or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties of president.

Sec. 3. It shall be the duty of the clerk to give at least five ^{Notice of election.} days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections ^{Time to open and close polls.} the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and, within five days, give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Sec. 4. Any two of the trustees may be judges of the elec- ^{Judges and clerk of election.} tion, and the clerk of the village, or his substitute, shall be the clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerks of election; and said board shall have power to preserve the purity of the election, as is now or may be hereafter given to township boards of elections.

Sec. 5. The president and every other officer elected or ap- ^{Official oath.} pointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the ^{Village clerk} duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Body corpo-
rate and
politic.

Common
seal.

Powers of
president
and trustees.

To appoint
officers.

Regulate
police.
Preserve
peace, etc.
Organize fire
department.

Punish
vagrants,
etc.

Suppress
gaming.

Tavern
keepers.

Liquors.

Immoderate
driving.
Nuisances.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of president and trustees of the village of Stanton, and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president, or any of the trustees of the village, at least six days before the return day thereof.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz :
For the appointment of a treasurer, and prescribing his duties, one assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, medicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets, or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent and remove

nuisances; to suppress all disorderly houses, and houses of Houses of ill-fame. ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, en- Remove obstructions from streets. croachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners and Sidewalks. occupants of lots to clear side-walks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, Storage of powder. Fire-arms. lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and fire-works; to Markets. construct and regulate markets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels con- Weights and measures. taining liquors, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraining Pounds. of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running at large of dogs, to Dogs. require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and License cartmen, etc. license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with Construct hydraulic works. water; to light the streets; to borrow money for public im- Borrow money. provements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste Wells and cisterns. of water; to prevent bathing in public streams; to purchase Bathing. grounds for and regulate cemeteries, and the burial of the dead, Cemeteries. and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued, whenever they may deem the same necessary for the best interest or health of the citizens; to Boundaries. ascertain, establish and settle boundaries of all streets and alleys, and to establish grades therefor; also, to order and Grades. cause the same to be drained or filled up, and to assess the costs Drainage. and expenses on the premises benefited; to regulate the build- Fences. ing of partition and other fences; to establish lines upon which

Building lines. Erection of buildings, etc.	buildings may be erected, and beyond which such building shall not extend; to prevent the erection of buildings in any unsafe manner, and to pass all necessary regulations relative to build-
Fire engines, etc.	ings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or
Fire limits, etc.	shop, to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be built, en-
Regulate party walls.	larged or placed, without consent of the common council; to regulate party walls, chimneys, flues, and putting up stoves
Hazardous buildings.	and stove-pipe; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered
Regulate powers, etc. of village officers.	extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of
Shade trees.	posts and shade trees; to provide for the construction of side-
Grading streets.	walks, and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them; the cost and expenses of repairing side-walks, grading the walks, streets and alleys, and the paving or planking to be
Provided.	paid by assessment on the lot in the front of or adjoining which either or all of such improvements shall be made: <i>Provided</i> ,
Ibid.	That so much money belonging to the highway fund of such village as the president and trustees may direct, may be expended for grading: <i>And provided further</i> , That not more than
Construct bridges.	one per cent. on the assessed value of any lot, shall be collected in any one year for such purpose; to construct and keep in
Lay out streets, etc.	repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out
Census.	under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the high-
Regulate theatres, etc. Peddlers.	way and other taxes; to provide for taking the census whenever they shall see fit; to regulate theatres, shows and concerts; to
Curb walks.	regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers; to regulate the covering of mill-races at the expense
	of the owners thereof; to rail and curb where necessary, all

walks, at the expense of the owners of the adjoining lots; to Levy taxes.
levy taxes on all personal and real estate within the limits of
the village, except property belonging to the village, town,
county or State, excepting, also, places of public worship be-
longing to any church or congregation, and all grounds and
buildings used exclusively for educational purposes; to take Take land
for streets.
the land of any individual for the purpose of constructing,
widening or extending streets, lanes, alleys, drains or sewers,
but not until such individual shall be paid the value thereof,
and all buildings thereon, and all the damages he will sustain,
as provided for in this act; for the violation of any by-laws, Impose fines,
etc.
rules and regulations, such reasonable penalties may be imposed
by the law itself as the president and trustees may deem proper;
and when any fine or penalty shall not exceed one hundred dol- Fines; how
recovered.
lars, the same may be recovered before any justice of the
peace in the townships of Sidney or Day, and any interest the
inhabitants of the village of Stanton may have in the fine or
penalty to be recovered, shall not disqualify any inhabitant of
said village to try said cause, or serve as a juror or witness
therein: *Provided*, That such interest be only that which is in Proviso.
common with the citizens of said village; and the circuit court
of the county of Montcalm shall also have jurisdiction to try
and determine all causes brought for the recovery of any fine
or penalty imposed by said by-laws.

Sec. 8 All taxes upon real estate, and all assessments made Taxes a lien
on property.
thereon, for opening, widening, extending, paving, grading,
planking or repairing a street or alley, or making or repairing
sidewalks, and all highway taxes shall be and remain a lien
upon said estate until the same are paid.

Sec. 9. The president and trustees shall, at the expiration of President
and trustees
to make an-
nual state-
ment.
each year, cause to be made out and published in some news-
paper published in said village, if one shall be published
therein, and if one shall not be published therein, then to be
posted upon the door of the building where the last annual
election was held in said village, a true statement, exhibiting

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall once in each year make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made

Open for
inspection

Corrections.

to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll or a copy thereof, to be delivered to

the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment as herein provided.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll, by itself, in a column; and whenever any such tax or assessment, and all taxes on real estate, returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be

Interest;
rate of.

computed at the rate of twenty per centum per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment, and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments, and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of
sale.

Affidavit.

Day of sale.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same, from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid; and the said treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sums mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a

Certificate.

Conveyance

Estate in fee
simple.

Provided.

conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to

the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Conveyance
received in
evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively, as are charged upon land advertised for delinquent State and county taxes.

Fees of;
treasurer.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Money; how
drawn.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof, is to be paid out of the village treasury.

Councillmen
not to hold
other offices
or become
sureties.

Sec. 18. All moneys assessed and raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes.

Highway
fund.

Sec. 19. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be

Village
officers

Bond of.

thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Marshal;
duties of.

May enter
gaming
houses.

Arrest
felons.

Provided.

How
removed.

Vacancy;
how filled.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the power belonging to any constable of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the townships of Sidney or Day, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the causes of such removal shall, in all cases, be made a matter of record by them.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by

the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Montcalm, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment, in civil cases.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such by-laws and ordinances as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars, nor less than two hundred and fifty dollars, in any year; and no other high-

Citizens to
pay poll tax.

Penalty for
non-pay-
ment.

Proviso.

And.

way taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, or who may be by law exempted, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Sidney or Day; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April, in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the townships of Sidney, Day, Evergreen or Douglas, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working or improving any highway of said townships, or for any damage for which said townships may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair; and all bridges within the corporate limits of said corporation shall be kept in repair and be under the care and supervision of the commissioners of highways of the townships, at the expense of the said townships.

Sec. 27. Whenever the lands of any person shall be required to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owners, or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the townships of Sidney or Day, to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, sidewalk, drain, or

Streets;
private
property
used for.

How taken.

Money and
costs paid to
owner.

Proviso.

sewer, or highway shall be made, opened, or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the verdict,) then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Ibid.

License money.

Sec. 28. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Public act.

Sec. 29. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

When person may be eligible to office.

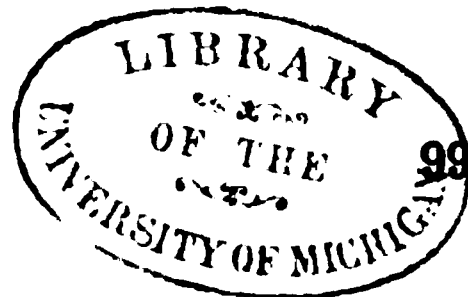
Sec. 30. No person shall be eligible to any office in this corporation unless he shall have resided in the said village six months next preceding his election, and shall be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved February 24, 1869.

LAWS OF MICHIGAN.

[No. 237.]



AN ACT appropriating certain non-resident highway taxes, for the improvement of certain roads in the county of Gratiot.

SECTION 1. *The People of the State of Michigan enact,* That ^{Taxes appropriated.} all the non-resident highway taxes assessed and unexpended for the year eighteen hundred and sixty-eight, and hereafter to be assessed for two years thereafter, on all lands lying within two miles on either side of the line, between towns eleven and twelve north, of range one west, and eleven and twelve north, of range two west, and south of the Gratiot and Saginaw plank road, be and the same are hereby appropriated for the opening and improvement of a road upon said town line, hereinbefore mentioned.

Sec. 2. For the purpose of improving said road, and expend- ^{Commissioners appointed.} ing the moneys appropriated in this act, Henry R. Wilcox, of the town of Lafayette, in the county of Gratiot, is hereby appointed commissioner, whose duty it shall be to receive and expend all moneys appropriated by this act, for the improvement of said road.

Sec. 3. The said commissioner, before entering upon the ^{Oath of office} duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the ^{Bond.} State of Michigan, in the penal sum of two thousand dollars, with such sureties as the treasurer of Gratiot county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all the moneys received by him for the benefit of said road, as directed by this act, which oath and bond shall be filed with the treasurer of Gratiot county; he shall receive for his services, while ^{Salary.} engaged in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of Gratiot county, and paid out of the fund created by this act.

Sec. 4. It shall be the duty of the treasurer of said county ^{Non-resident highway taxes.} of Gratiot, and any overseer of highways, and the township

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall once in each year make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made

Open for
inspection

Corrections.

to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll or a copy thereof, to be delivered to

the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment as herein provided.

Distress and sale.

Warrant renewed.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Marshal may sell property for taxes.

Surplus returned to owner.

Return of unpaid taxes.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll, by itself, in a column; and whenever any such tax or assessment, and all taxes on real estate, returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be

Unpaid taxes; how collected.

Interest;
rate of.

computed at the rate of twenty per centum per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment, and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments, and interest,

Notice of
sale.

together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said

Affidavit.

village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Day of sale.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same, from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid;

Certificate.

and the said treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said

Conveyance

lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sums mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a

Estate in fee
simple.

conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate

Provided.

in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to

the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Conveyance
received in
evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively, as are charged upon land advertised for delinquent State and county taxes.

Fees of;
treasurer.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Money; how
drawn.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof, is to be paid out of the village treasury.

Councillmen
not to hold
other offices
or become
sureties.

Sec. 18. All moneys assessed and raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes.

Highway
fund.

Sec. 19. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be

Village
officers

Bond of.

thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

How may be
qued.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the power belonging to any constable of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the townships of Sidney or Day, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Marshal;
duties of.

May enter
gaming
houses.

Arrest
felons.

Arrest
felons.

How
removed.

Provided.

How
removed.

Vacancy;
how filled.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the causes of such removal shall, in all cases, be made a matter of record by them.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by

the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Montcalm, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment, in civil cases.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such by-laws and ordinances as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars, nor less than two hundred and fifty dollars, in any year; and no other high-

Citizens to
pay poll tax.

Penalty for
non-pay-
ment.

Provided.

Ibid.

way taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, or who may be by law exempted, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Sidney or Day; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April, in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the townships of Sidney, Day, Evergreen or Douglas, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working or improving any highway of said townships, or for any damage for which said townships may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair; and all bridges within the corporate limits of said corporation shall be kept in repair and be under the care and supervision of the commissioners of highways of the townships, at the expense of the said townships.

Sec. 27. Whenever the lands of any person shall be required ^{Streets; private property used for.} to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owners, or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be law- ^{How taken.} ful for said president and trustees to direct any justice of the peace of the townships of Sidney or Day, to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums ^{Money and costs paid to owner.} so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, sidewalk, drain, or

Building lines. Erection of buildings, etc.	buildings may be erected, and beyond which such building shall not extend; to prevent the erection of buildings in any unsafe manner, and to pass all necessary regulations relative to build-
Fire engines, etc.	ings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or
Fire limits, etc.	shop, to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be built, en-
Regulate party walls.	larged or placed, without consent of the common council; to regulate party walls, chimneys, flues, and putting up stoves
Hazardous buildings.	and stove-pipe; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered
Regulate powers, etc. of village officers.	extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of
Shade trees.	posts and shade trees; to provide for the construction of side-
Grading streets.	walks, and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them; the cost and expenses of repairing side-walks, grading the walks, streets and alleys, and the paving or planking to be
Proviso.	paid by assessment on the lot in the front of or adjoining which either or all of such improvements shall be made: <i>Provided</i> ,
Ibid.	That so much money belonging to the highway fund of such village as the president and trustees may direct, may be expended for grading: <i>And provided further</i> , That not more than
Construct bridges.	one per cent. on the assessed value of any lot, shall be collected in any one year for such purpose; to construct and keep in
Lay out streets, etc.	repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out
Census.	under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the high-
Regulate theatres, etc.	way and other taxes; to provide for taking the census whenever they shall see fit; to regulate theatres, shows and concerts; to
Peddlers.	regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-
Curb walks.	brokers; to regulate the covering of mill-races at the expense of the owners thereof; to rail and curb where necessary, all

walks, at the expense of the owners of the adjoining lots; to Levy taxes. levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take Take land for streets. the land of any individual for the purpose of constructing, widening or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, Impose fines, etc. rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dol- Fines; how recovered. lars, the same may be recovered before any justice of the peace in the townships of Sidney or Day, and any interest the inhabitants of the village of Stanton may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein: *Provided*, That such interest be only that which is in Provide. common with the citizens of said village; and the circuit court of the county of Montcalm shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Sec. 8 All taxes upon real estate, and all assessments made Taxes a lien on property. thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making or repairing sidewalks, and all highway taxes shall be and remain a lien upon said estate until the same are paid.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some news- President and trustees to make annual statement. paper published in said village, if one shall be published therein, and if one shall not be published therein, then to be posted upon the door of the building where the last annual election was held in said village, a true statement, exhibiting

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall once in each year make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made

Open for
inspection

Corrections.

to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll or a copy thereof, to be delivered to

the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment as herein provided.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll, by itself, in a column; and whenever any such tax or assessment, and all taxes on real estate, returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall once in each year make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made

Open for
inspection

Corrections.

to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll or a copy thereof, to be delivered to

the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment as herein provided.

Distress and sale.

Warrant renewed.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Marshal may sell property for taxes.

Surplus returned to owner.

Return of unpaid taxes.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll, by itself, in a column; and whenever any such tax or assessment, and all taxes on real estate, returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be

Unpaid taxes; how collected.

LAWS OF MICHIGAN.

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case of meeting up, to be made by the clerk of the corporation, then by

the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may

Distress and sale.

Warrant renewed.

ment shall be made for any legal, even if it is not made al list, notice being given of herein provided.

use or neglect to pay the sum taxed or assessed as afore-

Marshal may sell property for taxes.

ized and required to levy the goods and chattels of the person first giving notice thereof, as

township treasurers; and in assessed shall be sold for more

Surplus returned to owner.

assessment, with the charges of be paid to the owner of such and in case the marshal shall assessed on any real estate, he

Return of unpaid taxes.

the amount due and unpaid thereafter shall be a lien on

ate, with all the assessments eighth section of this act, shall

Unpaid taxes; how collected.

ll, by itself, in a column; and sment, and all taxes on real of taxes, as provided in the est thereon, which shall be

the south-west quarter of section one, in township ten north, of range seven west; the north-west fractional quarter, and the north half of the south-west fractional quarter of section six, in township ten north, of range six west, be and the same are hereby constituted a village corporate, by the name of the village of Stanton.

Officers
elected.

Term of
office.

Village
board.

President;
duties of.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at Harmon Smith's land office in said village, on the second Monday of March next, and on the second Monday of March annually thereafter, at such place or places as shall be provided in the by-laws of said village, and there by ballot, shall elect, by plurality of votes, one person to be president of said village; and three persons shall, in like manner, be elected trustees for one year, and three for two years, and one person, also, shall be elected marshal; and annually thereafter a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular elections. The president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village. He shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence, or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties of president.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and, within five days, give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Notice of election.

Time to open and close polls.

Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be the clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerks of election; and said board shall have power to preserve the purity of the election, as is now or may be hereafter given to township boards of elections.

Judges and clerk of election.

Sec. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Official oath.

Village clerk

Body corpo-
rate and
politic.

Common
seal.

Powers of
president
and trustees.

To appoint
officers.

Regulate
police.

Preserve
peace, etc.

Organize fire
department.

Punish
vagrants,
etc.

Suppress
gaming.

Tavern
keepers.

Liquors.

Immoderate
driving.
Nuisances.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of president and trustees of the village of Stanton, and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president, or any of the trustees of the village, at least six days before the return day thereof.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz :

For the appointment of a treasurer, and prescribing his duties, one assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, medics, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets, or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent and remove

nuisances; to suppress all disorderly houses, and houses of Houses of ill-fame. ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, en- Remove obstructions from streets. croachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners and Sidewalks. occupants of lots to clear side-walks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, Storage of powder. lumber, or other combustible material; to prevent the use of Fire-arms. fire-arms, slung-shots, and other weapons, and fire-works; to Markets. construct and regulate markets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels con- Weights and measures. taining liquors, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraining Pounds. of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running at large of dogs, to Dogs. require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and License cartmen, etc. license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with Construct hydraulic works. water; to light the streets; to borrow money for public im- Borrow money. provements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste Wells and cisterns. of water; to prevent bathing in public streams; to purchase Bathing. grounds for and regulate cemeteries, and the burial of the dead, Cemeteries. and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued, whenever they may deem the same necessary for the best interest or health of the citizens; to Boundaries. ascertain, establish and settle boundaries of all streets and alleys, and to establish grades therefor; also, to order and Grades. cause the same to be drained or filled up, and to assess the costs Drainage. and expenses on the premises benefited; to regulate the build- Fences. ing of partition and other fences; to establish lines upon which

Building lines. Erection of buildings, etc.	buildings may be erected, and beyond which such building shall not extend; to prevent the erection of buildings in any unsafe manner, and to pass all necessary regulations relative to build-
Fire engines, etc.	ings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or
Fire limits, etc.	shop, to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be built, en-
Regulate party walls.	larged or placed, without consent of the common council; to regulate party walls, chimneys, flues, and putting up stoves
Hazardous buildings.	and stove-pipe; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered
Regulate powers, etc. of village officers.	extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of
Shade trees.	posts and shade trees; to provide for the construction of side-
Grading streets.	walks, and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them; the cost and expenses of repairing side-walks, grading the walks, streets and alleys, and the paving or planking to be
Proviso.	paid by assessment on the lot in the front of or adjoining which either or all of such improvements shall be made: <i>Provided</i> ,
Ibid.	That so much money belonging to the highway fund of such village as the president and trustees may direct, may be expended for grading: <i>And provided further</i> , That not more than
Construct bridges.	one per cent. on the assessed value of any lot, shall be collected in any one year for such purpose; to construct and keep in
Lay out streets, etc.	repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out
Census.	under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the high-
Regulate theatres, etc. Peddlers.	way and other taxes; to provide for taking the census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and tax at their discretion, auctioneers or auction
Curb walks.	sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers; to regulate the covering of mill-races at the expense of the owners thereof; to rail and curb where necessary, all

walks, at the expense of the owners of the adjoining lots; to Levy taxes.
levy taxes on all personal and real estate within the limits of
the village, except property belonging to the village, town,
county or State, excepting, also, places of public worship be-
longing to any church or congregation, and all grounds and
buildings used exclusively for educational purposes; to take Take land
for streets.
the land of any individual for the purpose of constructing,
widening or extending streets, lanes, alleys, drains or sewers,
but not until such individual shall be paid the value thereof,
and all buildings thereon, and all the damages he will sustain,
as provided for in this act; for the violation of any by-laws, Impose fines,
etc.
rules and regulations, such reasonable penalties may be imposed
by the law itself as the president and trustees may deem proper;
and when any fine or penalty shall not exceed one hundred dol- Fines; how
recovered.
lars, the same may be recovered before any justice of the
peace in the townships of Sidney or Day, and any interest the
inhabitants of the village of Stanton may have in the fine or
penalty to be recovered, shall not disqualify any inhabitant of
said village to try said cause, or serve as a juror or witness
therein: *Provided*, That such interest be only that which is in Provided.
common with the citizens of said village; and the circuit court
of the county of Montcalm shall also have jurisdiction to try
and determine all causes brought for the recovery of any fine
or penalty imposed by said by-laws.

Sec. 8 All taxes upon real estate, and all assessments made Taxes a lien
on property.
thereon, for opening, widening, extending, paving, grading,
planking or repairing a street or alley, or making or repairing
sidewalks, and all highway taxes shall be and remain a lien
upon said estate until the same are paid.

Sec. 9. The president and trustees shall, at the expiration of President
and trustees
to make an-
nual state-
ment.
each year, cause to be made out and published in some news-
paper published in said village, if one shall be published
therein, and if one shall not be published therein, then to be
posted upon the door of the building where the last annual
election was held in said village, a true statement, exhibiting

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall once in each year make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made

Open for
inspection

Corrections.

to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll or a copy thereof, to be delivered to

the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment as herein provided.

Distress and sale.

Warrant renewed.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Marshal may sell property for taxes.

Surplus returned to owner.

Return of unpaid taxes.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll, by itself, in a column; and whenever any such tax or assessment, and all taxes on real estate, returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be

Unpaid taxes; how collected.

Interest;
rate of. computed at the rate of twenty per centum per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment, and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments, and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of sale.

Affidavit.

Day of sale. Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same, from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid; and the said treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sums mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to

Certificate.

Conveyance.

Estate in fee simple.

Provided.

the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Conveyance
received in
evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively, as are charged upon land advertised for delinquent State and county taxes.

Fees of
treasurer.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Money; how
drawn.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof, is to be paid out of the village treasury.

Councilmen
not to hold
other offices
or become
sureties.

Sec. 18. All moneys assessed and raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes.

Highway
fund.

Sec. 19. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be

Village
officers

Bond of.

Interest;
rate of.

computed at the rate of twenty per centum per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment, and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments, and interest,

Notice of
sale.

together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said

Affidavit.

village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Day of sale.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same, from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid;

Certificate.

and the said treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said

Conveyance

lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sums mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a

Estate in fee
simple.

conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate

Provided.

in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to

the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Conveyance
received in
evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively, as are charged upon land advertised for delinquent State and county taxes.

Fees of
treasurer.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Money; how
drawn.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof, is to be paid out of the village treasury.

Councilmen
not to hold
other offices
or become
sureties.

Sec. 18. All moneys assessed and raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes.

Highway
fund.

Sec. 19. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be

Village
officers

Bond of.

thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

How may be
qued.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the power belonging to any constable of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the townships of Sidney or Day, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Marshal;
duties of.

May enter
gaming
houses.

Arrest
felons.

Proviso.

How
removed.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the causes of such removal shall, in all cases, be made a matter of record by them.

Vacancy;
how filled.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by

the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Montcalm, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment, in civil cases.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such by-laws and ordinances as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars, nor less than two hundred and fifty dollars, in any year; and no other high-

Citizens to
pay poll tax.

Penalty for
non-pay-
ment.

Provided.

Ibid.

way taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, or who may be by law exempted, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Sidney or Day; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April, in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the townships of Sidney, Day, Evergreen or Douglas, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working or improving any highway of said townships, or for any damage for which said townships may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair; and all bridges within the corporate limits of said corporation shall be kept in repair and be under the care and supervision of the commissioners of highways of the townships, at the expense of the said townships.

Sec. 27. Whenever the lands of any person shall be required ^{Streets; private property used for.} to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owners, or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be law- ^{How taken.} ful for said president and trustees to direct any justice of the peace of the townships of Sidney or Day, to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums ^{Money and costs paid to owner.} so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, sidewalk, drain, or

in detail all items of receipts and expenditures of the preceding year.

Ordinance
must be
published.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall once in each year make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made

Open for
inspection

Corrections.

to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents to be paid as a tax or assessment thereon, and shall then cause said assessment roll or a copy thereof, to be delivered to

LAWS OF MICHIGAN.

the marshal of said village, with a warrant signed under the hand and seal of said assessor, directing him to collect from the several persons named in the several sums mentioned therein not opposite their names, as a tax or assessment, and authorizing any of them shall neglect or refuse to pay such sum, the same by distress and sale of his or her goods, together with the costs and charges of such distress, and directing him to pay such money, shall be the duty of the treasurer of said village, by a return on the return of less than forty days from the time of the return of the warrant may be removed from time to time as the assessor may deem best; and when any assessment is made for a special improvement, it shall be paid by the person at the time of making the same, and shall be subject to the review of said assessor at any time.

Sec. 12. If any person shall neglect or refuse to pay the same at which he is assessed, the marshal is hereby authorized to levy the same by distress and sale of his goods, and the person who ought to pay the same shall be liable for the same as required by law to be paid, and the goods and chattels of the

Interest;
rate of.

computed at the rate of twenty per centum per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment, and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments, and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of
sale.

Affidavit.

Day of sale.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same, from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid; and the said treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sums mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to

Certificate.

Conveyance

Estate in fee
simple.

Provided.

the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Conveyance
received in
evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively, as are charged upon land advertised for delinquent State and county taxes.

Fees of;
treasurer.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Money; how
drawn.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof, is to be paid out of the village treasury.

Councilmen
not to hold
other offices
or become
sureties.

Sec. 18. All moneys assessed and raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes.

Highway
fund.

Sec. 19. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be

Village
officers

Bond of.

How may be
qued.

thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Marshal;
duties of.

May enter
gaming
houses.

Arrest
felons.

Proviso.

How
removed.

Vacancy;
how filled.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the power belonging to any constable of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the townships of Sidney or Day, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the causes of such removal shall, in all cases, be made a matter of record by them.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by

the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Montcalm, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment, in civil cases.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such by-laws and ordinances as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars, nor less than two hundred and fifty dollars, in any year; and no other high-

Salaries of
village
officers.

Common
jail.

Proviso.

Firemen
exempt from
poll tax.

Councilmen
to be street
commission-
ers.

May appoint
overseers of
highways.

Levy tax.

Citizens to
pay poll tax.

Penalty for
non-pay-
ment.

Provided.

And.

way taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, or who may be by law exempted, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Sidney or Day; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April, in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the townships of Sidney, Day, Evergreen or Douglas, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working or improving any highway of said townships, or for any damage for which said townships may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair; and all bridges within the corporate limits of said corporation shall be kept in repair and be under the care and supervision of the commissioners of highways of the townships, at the expense of the said townships.

Sec. 27. Whenever the lands of any person shall be required ^{Streets; private property used for.} to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owners, or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be law- ^{How taken.} ful for said president and trustees to direct any justice of the peace of the townships of Sidney or Day, to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums ^{Money and costs paid to owner.} so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, sidewalk, drain, or

Proviso.

sewer, or highway shall be made, opened, or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the verdict,) then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Ibid.

License money.

Sec. 28. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Public act.

Sec. 29. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

When person may be eligible to office.

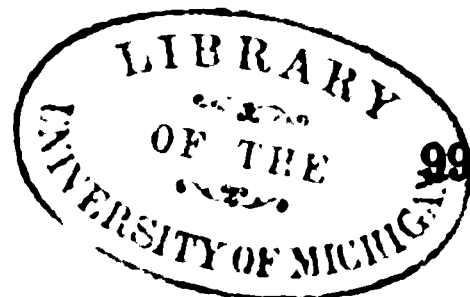
Sec. 30. No person shall be eligible to any office in this corporation unless he shall have resided in the said village six months next preceding his election, and shall be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved February 24, 1869.

LAWS OF MICHIGAN.

[No. 237.]



AN ACT appropriating certain non-resident highway taxes, for the improvement of certain roads in the county of Gratiot.

SECTION 1. *The People of the State of Michigan enact,* That ^{Taxes appropriated.} all the non-resident highway taxes assessed and unexpended for the year eighteen hundred and sixty-eight, and hereafter to be assessed for two years thereafter, on all lands lying within two miles on either side of the line, between towns eleven and twelve north, of range one west, and eleven and twelve north, of range two west, and south of the Gratiot and Saginaw plank road, be and the same are hereby appropriated for the opening and improvement of a road upon said town line, hereinbefore mentioned.

Sec. 2. For the purpose of improving said road, and expend- ^{Commissioners appointed.} ing the moneys appropriated in this act, Henry R. Wilcox, of the town of Lafayette, in the county of Gratiot, is hereby appointed commissioner, whose duty it shall be to receive and expend all moneys appropriated by this act, for the improvement of said road.

Sec. 3. The said commissioner, before entering upon the ^{Oath of office} duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the ^{Bond.} State of Michigan, in the penal sum of two thousand dollars, with such sureties as the treasurer of Gratiot county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all the moneys received by him for the benefit of said road, as directed by this act, which oath and bond shall be filed with the treasurer of Gratiot county; he shall receive for his services, while ^{Salary.} engaged in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of Gratiot county, and paid out of the fund created by this act.

Sec. 4. It shall be the duty of the treasurer of said county ^{Non-resident highway taxes.} of Gratiot, and any overseer of highways, and the township

To be paid
only on or-
der of com-
missioner.

treasurers within said county, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes, assessed within the time aforesaid, on any of the lands hereinbefore described, and to pay the same only upon the order of said commissioner, or his successor in office.

Supervisors
may remove
commis-
sioner.

Sec. 5. The board of supervisors of said county of Gratiot shall have power to remove said commissioner, for any neglect of duty imposed, or any misapplication of money appropriated by this act; any vacancy in said office shall be filled by the board of supervisors of Gratiot county.

Sec. 6. This act shall take immediate effect.

Approved February 24, 1869.

[No. 238.]

AN ACT to extend the time for the collection of taxes in the city of Jackson, in the county of Jackson, for the year eighteen hundred and sixty-eight.

Time
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in said city of Jackson, in the county of Jackson, for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first day of April next; and the treasurer of the said city of Jackson is hereby authorized and empowered to proceed and collect said taxes, and make due return, in pursuance of his warrant, on or before the first day of April next, and his warrant is hereby continued in full force and virtue until that time.

Powers of
treasurer.

Warrant
continued
in force.

Bond
renewed.

Sec. 2. It shall be the duty of the treasurer of said city, before he shall avail himself of the benefits of this act of extension of time herein conferred, to pay over all moneys collected by him during the lifetime of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Return
of unpaid
taxes.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned by the county treasurer to the Auditor Gen-

eral, on or before the 20th day of April, 1869; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time as other taxes for the year eighteen hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved February 24, 1869.

[No. 239.]

AN ACT to change the name of "The First Congregational Church and Society of Raisin," (being in the county of Lenawee, and State of Michigan,) to "The First Presbyterian Church and Society of Raisin."

SECTION 1. *The People of the State of Michigan enact, That the* ^{Name changed.}
name of the First Congregational Church and Society of Raisin,
be and the same is hereby changed to The First Presbyterian
Church and Society of Raisin.

Sec. 2. All the rights of property, real and personal, rights ^{Rights and franchises.}
of franchise, and all other ordinary rights and privileges per-
taining thereto, shall remain in, and belong to the said church
and society, in all respects the same as though its name and
ecclesiastical relations had remained unchanged.

Approved February 24, 1869.

[No. 240.]

AN ACT to authorize the village of South Saginaw to raise
by tax, money to build a station-house for the use of said
village.

SECTION 1. *The People of the State of Michigan enact, That the* ^{May raise money by tax.}
electors of the village of South Saginaw, in the county of
Saginaw, shall have power to raise money, by tax upon the
taxable property of said village, for the purpose of building a
station-house for the use of said village, in which to secure

Citizens to
pay poll tax.

Penalty for
non-pay-
ment.

Provided.

And.

way taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, or who may be by law exempted, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Sidney or Day; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April, in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the townships of Sidney, Day, Evergreen or Douglas, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working or improving any highway of said townships, or for any damage for which said townships may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair; and all bridges within the corporate limits of said corporation shall be kept in repair and be under the care and supervision of the commissioners of highways of the townships, at the expense of the said townships.

Sec. 27. Whenever the lands of any person shall be required ^{Streets; private property used for.} to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owners, or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be law- ^{How taken.} ful for said president and trustees to direct any justice of the peace of the townships of Sidney or Day, to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums ^{Money and costs paid to owner.} so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, sidewalk, drain, or

Proviso.

sewer, or highway shall be made, opened, or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the verdict,) then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Ibid.

License money.

Sec. 28. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Public act.

Sec. 29. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

When person may be eligible to office.

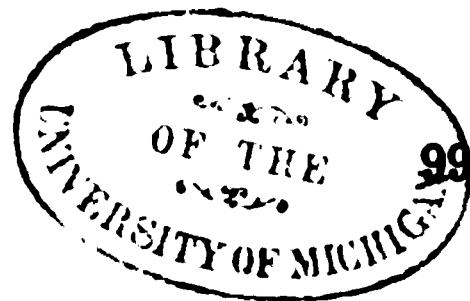
Sec. 30. No person shall be eligible to any office in this corporation unless he shall have resided in the said village six months next preceding his election, and shall be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved February 24, 1869.

LAWS OF MICHIGAN.

[No. 237.]



AN ACT appropriating certain non-resident highway taxes, for the improvement of certain roads in the county of Gratiot.

SECTION 1. *The People of the State of Michigan enact, That* ^{Taxes appropriated.} all the non-resident highway taxes assessed and unexpended for the year eighteen hundred and sixty-eight, and hereafter to be assessed for two years thereafter, on all lands lying within two miles on either side of the line, between towns eleven and twelve north, of range one west, and eleven and twelve north, of range two west, and south of the Gratiot and Saginaw plank road, be and the same are hereby appropriated for the opening and improvement of a road upon said town line, hereinbefore mentioned.

Sec. 2. For the purpose of improving said road, and expending the moneys appropriated in this act, Henry R. Wilcox, of ^{Commissioners appointed.} the town of Lafayette, in the county of Gratiot, is hereby appointed commissioner, whose duty it shall be to receive and expend all moneys appropriated by this act, for the improvement of said road.

Sec. 3. The said commissioner, before entering upon the ^{Oath of office} duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the ^{Bond.} State of Michigan, in the penal sum of two thousand dollars, with such sureties as the treasurer of Gratiot county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all the moneys received by him for the benefit of said road, as directed by this act, which oath and bond shall be filed with the treasurer of Gratiot county; he shall receive for his services, while ^{Salary.} engaged in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of Gratiot county, and paid out of the fund created by this act.

Sec. 4. It shall be the duty of the treasurer of said county ^{Non-resident highway taxes.} of Gratiot, and any overseer of highways, and the township

ing one hundred thousand dollars, upon the credit of said village of Marquette, and shall have authority to issue bonds pledging the faith and credit of said village for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by them or a majority of them. And it shall be the duty of said commissioners to cause to be kept an accurate register of all the bonds issued by them, showing the number, date, and amount of each bond, and to whom issued; and it shall also be their duty to present said bonds to the recorder of said village, for entry upon the records of said village; and the said recorder shall certify on each bond that such record has been made: *Provided*, That no such bonds shall be issued, nor indebtedness be incurred, until the amount proposed to be raised shall have been submitted to the legal voters of said village, and been approved by a majority vote, by ballot, of all the electors of said village, at an annual election therein, due notice of such submission having been given in the notices of such election; or at a special election therein, called by the board which is hereby established, by giving notice thereof, as is required of the recorder of said village, in section three of an act entitled "An act to incorporate the village of Marquette," approved February 10th, 1859.

To pay
interest.

May pur-
chase bonds.

Issue new
bonds.

Sec. 8. It shall be the duty of said commissioners to pay the interest and principal of the bonds issued as aforesaid as the same may become due; and the said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount, and on such time as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Sec. 9. It shall be the duty of said commissioners, at least ^{To make report to common council.} thirty days before the time fixed by the charter of said village, for assessing village taxes, to make a special report to the common council of said village, what, if any sum, will be needed by said commissioners over and above the revenue of said board, to meet the payment of interest or principal of said bonds issued as aforesaid, or to meet any deficiency in operating expenses; and it shall be the duty of the common council, and the said common council is hereby authorized and empowered to raise said amount by special tax, in addition to the amount authorized in the charter of said village, in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said village.

Sec. 10. Said commissioners shall have power, and it is ^{To purchase land, &c.} hereby made their duty, as soon as may be, after the necessary funds have been procured as herein provided, to purchase such lands and materials, and construct such reservoirs, buildings, machinery, and fixtures as shall be deemed necessary to furnish an ample supply of water for public and private use, and also ^{To guard against fires.} to provide such means as shall give an efficient system of fire protection in said village; and the said commissioners are hereby empowered and directed to possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance, and direction of the fire department of the village of Marquette and the premises and property thereof, which, at the time of the organization of the said board of commissioners, were possessed by, or were under the control of the common council of said village; and ^{To take charge of fire department.} the said commissioners shall hereafter have power and authority to extinguish fires in said village, and it shall be the duty of any and all persons in possession of any property, real or personal, belonging to, or set apart for, or in use by or for the fire department of said village, to deliver the same to the control and possession of the said commissioners.

May lay
water-pipes,
and con-
struct foun-
tains.

Sec. 11. Said commissioners shall have power to lay pipes in and through all the streets and alleys of said village, and also to construct, in such localities as they may deem expedient, fire hydrants, and hydrants for public use; and also, with the consent of the common council of said village, to construct fountains in the public squares, or such other public grounds of said village as they shall deem expedient.

May employ
clerks.

Sec. 12. Said commissioners shall have power to employ superintendents, clerks, assessors, collectors, engineers, surveyors, and such other persons as in their opinion may be necessary to enable them to perform their duties under this act, and to specify the duties of the persons so employed, and to fix their compensation: *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Proviso.

Water-rates;
assessment
of.

Sec. 13. Said commissioners shall, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable; and such water rate shall become a continual lien until paid, upon such house or other building, and upon the lot or lots upon which such house or other building is situated.

Collection of.

Sec. 14. Said commissioners shall have power to make and enforce all necessary by-laws and regulations for the collection of said water rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by a suit at law before any court of competent jurisdiction, or by sale of the lot or premises upon which such rates shall have become a lien: *Provided*, That such sales shall be conducted in the same manner, and have the same force and effect of sales of lots delinquent for village taxes; *And provided further*, That the attempt to collect said rates by any process above mentioned, shall not in any way invalidate the lien upon the said lot or premises.

Proviso.

Id.

Commission-
ers may take
private prop-
erty.

Sec. 15. The said commissioners, and, under their direction, their agents and employés, are hereby authorized to enter upon

any land or water, within or without the corporate limits of said village, for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner; and in case of a disagreement between the commissioners and the owner of any property which may be required for said purpose, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or insane, or absent from this State, the judge of the circuit court of the judicial district having jurisdiction in the village of Marquette may, upon the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof, or damage sustained thereby, and report thereon to said court without delay.

Make compensation therefor.

Sec. 16. Whenever such report shall have been confirmed by said court, the said commissioners shall pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon, the said commissioners shall become seized in fee of such property, and shall be discharged from all claim by reason of any such damage.

Ibid.

Sec. 17. And in case of the refusal by any owner or owners, person or persons, to receive such sum awarded them for property required or damages sustained, then the said commissioners shall deposit with the village treasurer, the sum so awarded, subject to the draft of said owner or owners, person or persons; and thereupon, the said commissioners, and their successors in office, shall become seized in fee of such property so required, and shall be discharged from all claims by reason of any such damage; and the said village treasurer shall keep strict account of all sums so deposited, and shall pay out the same on the drafts of the owner or owners, person or persons, to the credit of whom such moneys may have been deposited.

Proceedings in case of refusal of owners to receive damages.

Materials ex-
empt from
execution.

To whom
money for
same shall
be paid.

Trespass
upon water-
works.

Fine.

Injury to
property or
water; how
punished.

Record of
proceedings.

Report of
commission-
ers; contents
of.

Sec. 18. All materials procured or partially procured under a contract with said commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the money due for such materials to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Sec. 19. If any person shall, without the authority of said commissioners, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any main or distributing pipe belonging to the said water-works, or make or cause to be made any connection or communication whatever with the said pipes, or close or cause to be closed, any connection already made, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars and costs of prosecution, to be recovered in the recorder's court of said village, or other court of competent jurisdiction.

Sec. 20. If any person shall willfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, belonging to or being under the control of said commissioners or their agents, for the purpose of procuring or keeping a supply of water, or for the extinguishment of fires, shall in any manner be injured, or shall willfully pollute the water, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable therefor as other misdemeanors are punished.

Sec. 21. The said commissioners shall cause to be kept an accurate record of all proceedings, together with a list of all assessments for water rates, which shall be subject to inspection at all times.

Sec. 22. It shall be the duty of said commissioners to make report to the common council of said village annually, which report shall embrace a statement of the condition and operation of the works; a statement of the funds and securities of said board, and all debts due and owing to and from said

board, together with an accurate account of their expenses; also, a list of fires, alarms, losses, and insurance on all property destroyed during the year, which statement shall be certified by said commissioners, and shall be entered of record by the recorder of said village, and published in such manner as said common council may direct.

Sec. 23. No one of said commissioners shall be interested, Restrictions placed on commissioners. either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in or about the purposes and uses contemplated by this act, nor shall any commissioner be a member of the common council of said village.

Sec. 24. The said commissioners are hereby invested with Laws and ordinances. full power to make and enforce such by-laws, regulations, and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any mode or power not already specified herein, and shall cause all such by-laws, regulations and ordinances to be entered in a book, to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice.

Sec. 25. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 26. This act shall take immediate effect.

Approved March 2, 1869.

[No. 244.]

AN ACT to extend the time for the collection of taxes in the several wards in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That the* Time extended. time for the collection of the State, county, and city taxes in the several wards of the city of Detroit, for the year eighteen

Collectors;
power of

hundred and sixty-eight, be and the same is hereby extended until the twentieth day of March next; and the several collectors in said wards are hereby authorized to proceed and collect said taxes, and make return thereof, as fully as they might have done within the lifetime of their several warrants, and make return thereof by the twentieth day of March next.

Bonds
renewed.

Sec. 2. It shall be the duty of the collectors of said several wards, before they shall be entitled to the benefit of this act, to pay over all moneys in their hands collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds, properly approved.

Sec. 3. This act shall take immediate effect.

Approved March 2, 1869.

[No. 245.]

AN ACT to revise the charter of the village of Allegan.

ARTICLE I.

Boundaries

SECTION 1. *The People of the State of Michigan enact*, That all that tract of land situate in the township of Allegan, in the county of Allegan, distinguished and designated as the whole of section twenty-eight; the east half of section twenty-nine; the south-east fractional quarter of section twenty; the south half of section twenty-one; the south-west quarter of section twenty-two; the west half of section twenty-seven; the north-west quarter of section thirty-four; the north half of section thirty-three; the north-east quarter of section thirty-two, township two north, of range thirteen west, be and the same is hereby constituted a village corporate, to be known by the name of "The Village of Allegan."

Body corpo-
rate; name
of

Sec. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "The Village of Allegan," and by that name they and their succes-

ers shall have perpetual succession, capable in law of suing and being sued, complaining, and defending in any court of law or equity; and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

Sec. 1. The officers of said village shall be a president, six ^{Officers} trustees, one clerk, one marshal, who shall also be the collector of taxes and assessments, one treasurer, two assessors, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.

ARTICLE III.

Sec. 1. The inhabitants of said village, having the qualifica- ^{Election of officers.} tions of electors under the constitution of this State, shall meet at the court house in said village, on the second Monday of March, in the year of our Lord one thousand eight hundred and sixty-nine, and there proceed to elect one president, one clerk, one treasurer, one assessor, and three trustees, who shall severally hold their office for one year; also, three trustees, and one assessor, who shall severally hold their offices for two years; and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished.

Sec. 2. At every election after the first, there shall be elected ^{Term.} one president, one clerk, and one treasurer, who shall severally hold their office for one year, and three trustees and one assessor, who shall severally hold their office for two years.

Sec. 3. The term of office of all officers shall commence im- ^{1864.} mediately after their election and qualification, and continue until the election and qualification of their successors.

Sec. 4. Elections for officers shall be held on the second ^{1864.} Monday in March, in each year, at such places as shall be designated by the board of trustees, except as provided for at the first election.

Elections;
when held.

Sec. 5. If an election of the officers of said village shall not be held on the day when, pursuant to this act it should be held, the said corporation shall not, for that cause, be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the regular election.

When elec-
tion is not
held pursu-
suant to this
act.

How long
present offi-
cers to act.

Sec. 6. The officers in office in said village, at the time of the passage of this act, shall continue to exercise the duties of their office until others are elected and qualified under the provisions of this act.

ARTICLE IV.

Qualification
of officers.

Sec. 1. The officers of said village, elected in pursuance of the provisions of this act, or appointed as hereinafter provided for, shall be residents and legal voters of said village.

Oath.

Sec. 2. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, to be administered by the clerk of said village, or by any other officer authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk of said village.

Treasurer
and other
officers to
give bonds.

Sec. 3. The treasurer, marshal, and such other officers as the board of trustees may require so to do, shall each respectively and severally, before they enter upon the duties of their office, execute a bond to "the village of Allegan," in such sums, and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, and honestly and faithfully account for and pay over all moneys received by them, by virtue of such office, which bond, with the approval of the board of trustees endorsed thereon, certified by the clerk, shall be delivered to and filed with the clerk of said village.

ARTICLE V.

Sec. 1. The president shall be *ex officio* a member of the board of trustees, and have the powers and be subject to the like duties and responsibilities of a trustee. President; duties of.

Sec. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing for any specific purpose, by three of the trustees, or twenty electors of said village. To preside at meetings.

Sec. 3. The president shall preside at all elections held under and by virtue of this act. To preside at elections.

Sec. 4. The president shall see that all the by-laws, rules, regulations, and ordinances of said village are faithfully enforced, and prosecute in the name of the village of Allegan, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations, or ordinances passed by virtue thereof. To enforce the laws of the village.

Sec. 5. He shall receive and lay before the board of trustees, the official reports of all officers who may be required to make such reports, and in connection therewith, suggest the passage of such measures as in his judgment the necessities of the village may require. To receive reports of officers.

Sec. 6. He shall appoint, by and with the consent of the trustees, one marshal, two or more fire wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him. To app marshal. Provide.

Sec. 7. The president shall inspect, and have the supervising control of the public property belonging to said village, and see that the same is properly cared for and kept in order. To inspect public property.

ARTICLE VI.

Board of
trustees;
powers of.

Sec 1. The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

Sec. 2. The board of trustees shall have full power within said village—

To elect
president
pro tem.

1. To elect one of their number president *pro tem.*, as hereinafter provided;

To declare
powers of
officers.

2. To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act;

To deter-
mine am't
of bonds.

3. To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

To provide
for care of
public prop-
erty.

4. To provide for the care, custody, and preservation of the public property of said village;

To superin-
tend village
officers.

5. To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them;

To purchase
fire-engines.

6. To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department, and define their duties, and prescribe penalties for their delinquencies;

To establish
fire limits.

7. To establish fire limits within which no wooden building shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same;

To regulate
hazardous
buildings.

To guard
against fires.

8. To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables, or any other device or instrument for gaming, and to punish the keepers of the same when kept in violation of any by-law, rule, regulation, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors, and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Allegan;

To prevent immorality.

To apprehend and punish vagrants.

9. To prevent the selling or giving away of spirituous or fermented liquors;

To prevent the sale of liquors.

10. To license and regulate theatres, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village;

To license theatres, peddlers, etc.

11. To prevent and punish immoderate riding or driving in the street, and to provide penalties for leaving teams in the street unfastened;

To punish immoderate driving.

12. To prevent and remove nuisance, and to punish persons for committing the same;

To remove nuisances.

13. To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction;

To compel the clearing of sidewalks.

14. To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber, and other combustible materials;

To regulate the storage of powder.

15. To prevent the use of fire-arms, slung shots, metal knuckles, and other weapons;

Fire-arms.

16. To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber;

To regulate markets.

17. To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls, from going at large in the streets of said village under such penalties as they shall in the

To restrain cattle.

by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

To require
dogs to be
muzzled.

18. To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

To cause the
village to be
lighted.

19. To erect lamps and cause the public grounds and such of the streets of said village as they shall deem proper, to be lighted at such times as, in their judgment, the wants and interests of the village may require;

To establish
building
lines.

20. To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend;

To remove
unsafe build-
ings.

21. To prevent the erection and provide for the removal of all buildings deemed unsafe;

To regulate
setting out
of shade
trees.

22. To regulate the placing and provide for the preservation of hitching posts and shade trees;

To provide
burial places

23. To provide burial places, and to regulate the burial of the dead in said village, and to protect and preserve the monuments, tomb-stones, trees and shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village, and to appoint a proper person to have the charge and oversight of the same.

To be com-
missioners
of highways.

Sec. 3. The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships in this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more street commissioners, as they shall deem best: *Provided*, That the bridges within the limits of said village shall be and remain under the care and custody of the commissioners of highways of the township of Allegan, and shall be supported and maintained at the expense of said township.

Previseo.

Sec. 4. The board of trustees shall, upon the petition, in writing, of a majority of the property owners along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading of any street, highway, alley, or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining the said work in the proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to order the making, constructing, and repairing all sidewalks and cross-walks in said village, and, in case the owners of lots shall not construct the same, to provide for paying the costs and expenses of the same by assessment on the owners or occupants of the lots, lands, and premises in front of which sidewalks may be directed to be made, constructed, or repaired; and it shall be their duty to provide for making and constructing the same, in like manner, upon the petition of the majority of the resident property owners owning property on any particular street upon which it is proposed to construct such sidewalk: *Provided*, That all assessments for cross-walks shall be made upon the premises in the block adjacent to said cross-walks, from the corner to the center of the front and the side of said block, or constructed by general tax.

To order the building of sewers.

Grading of streets.

Construction of side-walks

Levying of assessments.

Proviso.

Sec. 5. The board of trustees may take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain or sewer, but not until such individual shall be paid therefor, as provided for in article nineteen of this act.

May take private property.

Sec. 6. The board of trustees may, at any time during the year, exercise the power of ordering fences to be removed, or of opening, widening, and extending any highway, street, alley, or lane within said village.

May order opening of streets.

Sec. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish

May make by-laws and punish for violation of the same.

and publish, modify, amend, and repeal by-laws, rules, regulations and ordinances, and shall have power to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed thirty days, or both, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation in any court having jurisdiction of such cases; but all such by-laws, rules, regulations and ordinances shall be published at least for two successive weeks before the same shall be considered as of force, or binding upon the inhabitants of said village.

ARTICLE VII.

Village
clerk; duties
of.

Sec. 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve, and keep all books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations and notices, as the board of trustees shall direct.

To keep poll
list.

Sec. 2. The clerk shall keep a poll-list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter.

To give
notice of
elections.

Sec. 3. The clerk shall give at least five days' notice of the time and place of holding elections under this act.

To keep
books open
for inspection.

To furnish
certified
copies under
seal.

Sec. 4. The books and papers in the office of said clerk shall at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

Sec. 5. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate. Clerk pro tem.

ARTICLE VIII.

Sec. 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations, and ordinances passed by the board of trustees of said village, according to the provisions of this act, are enforced. Marshal; powers and duties of.

Sec. 2. He shall be *ex officio* constable, and chief of police, with powers belonging to constables of any township of this State, having power to enter into any disorderly or gaming house, or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons, or felons, and those engaged in disorderly assemblages, and take them before any justice of the peace of the township of Allegan, who shall hear, try, and determine the matter: *Provided*, That nothing in this act shall be construed into his serving process in civil cases. To be chief of police. May enter gaming houses. Arrest felons. Proviso.

Sec. 3. He shall have the power to compel the citizens to aid in extinguishing fires. To compel aid at fires

Sec. 4. The marshal shall be the collector of taxes in said village, and shall have full power to collect the same as provided for in article thirteen of this act. To collect taxes.

Sec. 5. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint, in writing, and on oath, before any justice of the peace for the township of Allegan, for any violation of the by-laws, rules, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal. To be subject to control of board of trustees. To report violation of ordinances.

To report to
trustees.

Sec. 6. He shall report, in writing, to the board of trustees from time to time, as he may be required by resolution of the board of trustees, his acts and doings by virtue of his office, which report shall be filed with the clerk of the village.

How
removed.

Sec. 7. The marshal may be removed from office for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such refusal shall, in all cases, be spread at large upon the records of the village.

ARTICLE IX.

Treasurer;
powers and
duties of.

Sec. 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

To keep
record of
receipts, etc.

Sec. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report, in writing, of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation.

To make
report.

To pay out
money on
order of
president.

Sec. 3. The treasurer shall not pay any money on account of said village, except upon a resolution of the board of trustees, and on an order signed by the president, and countersigned by the clerk.

May sell
land for
taxes.

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act.

ARTICLE X.

Assessors;
duties of.

Sec. 1. It shall be the duty of the assessors once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and shall set down, in such roll, the valuation of

such property at its fair cash value, as provided for in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said article.

ARTICLE XI.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

Vacancies;
how filled.

President
pro tem.

ARTICLE XII.

Sec. 1. The president and trustees shall each receive as compensation for attendance at the regular meetings of the board of trustees, one dollar for each day, and fifty cents for each half day.

Compensa-
tion of offi-
cers.

Sec. 2. The officers of said village (except as provided for in section one of this article) shall receive such compensation as the board of trustees shall by resolution direct.

ARTICLE XIII.

Sec. 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent. upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Limit of
taxation.

Sec. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to tax-

Highway
tax; how ex-
pended.

ARTICLE VI.

Board of
trustees;
powers of.

Sec 1. The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

Sec. 2. The board of trustees shall have full power within said village—

To elect
president
pro tem.

1. To elect one of their number president *pro tem.*, as hereinafter provided;

To declare
powers of
officers.

2. To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act;

To deter-
mine am't
of bonds.

3. To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

To provide
for care of
public prop-
erty.

4. To provide for the care, custody, and preservation of the public property of said village;

To superin-
tend village
officers.

5. To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them;

To purchase
fire-engines.

6. To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department, and define their duties, and prescribe penalties for their delinquencies;

To establish
fire limits.

7. To establish fire limits within which no wooden building shall be built, enlarged, or placed; to regulate party walls,

To regulate
hazardous
buildings.

chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments,

To guard
against fires.

bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same;

8. To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables, or any other device or instrument for gaming, and to punish the keepers of the same when kept in violation of any by-law, rule, regulation, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors, and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Allegan;

To prevent immorality.

To apprehend and punish vagrants.

9. To prevent the selling or giving away of spirituous or fermented liquors;

To prevent the sale of liquors.

10. To license and regulate theatres, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village;

To license theatres, peddlers, etc.

11. To prevent and punish immoderate riding or driving in the street, and to provide penalties for leaving teams in the street unfastened;

To punish immoderate driving.

12. To prevent and remove nuisance, and to punish persons for committing the same;

To remove nuisances.

13. To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction;

To compel the clearing of sidewalks.

14. To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber, and other combustible materials;

To regulate the storage of powder.

15. To prevent the use of fire-arms, slung shots, metal knuckles, and other weapons;

Fire-arms.

16. To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber;

To regulate markets.

17. To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls, from going at large in the streets of said village under such penalties as they shall in the

To restrain cattle.

To be certified back by trustees to assessors.

Sec. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessors, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four, of article six of this act, which said certificate endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Apportionment of taxes.

Sec. 1. The assessors of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done, under section four, of article six of this act, to be paid by the owner or owners, or parties interested in such real and personal estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Marshal to collect taxes.

Sec. 2. Immediately after apportioning the tax, as provided for in the preceding section, the assessors shall cause said assessment roll, certified to under their hands, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hands of said assessors, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, opposite their respective names,

as a tax or assessment, and authorizing him, in case any of ^{Distress and sale.} them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than forty days from the date of said warrant.

Sec. 3. The assessors may renew said warrant from time to ^{Warrant renewed.} time, by direction of the board of trustees.

Sec. 4. Whenever any special tax shall be voted to be raised, ^{Basis of special tax.} as provided for in article thirteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate, as set down in the annual assessment roll.

ARTICLE XVI.

Sec. 1. The marshal of said village shall, immediately after ^{Collection of taxes.} receiving the assessment roll, with the warrant of the assessors thereunto annexed, as provided for in section three of the preceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

Sec. 2. If any person or persons shall refuse or neglect to ^{Refusal to pay.} pay the sum or sums at which they shall be taxed or assessed, as aforesaid, the marshal shall proceed to levy the same by dis- ^{Distress and sale.} tress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in ^{Surplus returned to owner.} case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment with the charges of distress and sale thereon, the surplus shall be paid on demand, to the owner or owners of such goods and chattels.

Sec. 3. In case the marshal shall be unable to collect the ^{Return of unpaid taxes.} taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to

Assessments
a lien on real
estate.

him for the collection of the taxes, or in the renewal of the time thereof by the said assessors, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Treasurer to
keep list of
lands.

Sec. 4. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum, from the date of the warrant to the marshal, as aforesaid, for the term of one year from such date, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Land sold
for taxes.

Notice of
sale; time
and place.

Sec. 5. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice, for at least six weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Rules of
sale.

Sec. 6. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day, until all is sold upon which there are taxes, assessments, and interest, due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale as aforesaid.

Part of des-
cription to
be sold.

Sec. 7. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Sec. 8. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

Certificate
of purchase.

Time to
redeem.

Conveyance.

Conveyance
received in
evidence.

ARTICLE XVII.

Sec. 1. The president, clerk, and one of the three trustees having the shortest time to serve, shall constitute the village board of registration.

Board of
registration.

Sec. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State, relating to the registration in the several townships thereof, to be kept by the said village clerk.

Clerk; duties
of.

Sec. 3. The clerk of said village shall, at any time, (except as provided for in this act,) on demand, enter, in its alphabetical order, the name of any person entitled to vote in said

To register
names.

To report to
trustees.

Sec. 6. He shall report, in writing, to the board of trustees from time to time, as he may be required by resolution of the board of trustees, his acts and doings by virtue of his office, which report shall be filed with the clerk of the village.

How
removed.

Sec. 7. The marshal may be removed from office for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such refusal shall, in all cases, be spread at large upon the records of the village.

ARTICLE IX.

Treasurer;
powers and
duties of.

Sec. 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

To keep
record of
receipts, etc.

Sec. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report, in writing, of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation.

To make
report.

To pay out
money on
order of
president.

Sec. 3. The treasurer shall not pay any money on account of said village, except upon a resolution of the board of trustees, and on an order signed by the president, and countersigned by the clerk.

May sell
land for
taxes.

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act.

ARTICLE X.

Assessors;
duties of.

Sec. 1. It shall be the duty of the assessors once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and shall set down, in such roll, the valuation of

such property at its fair cash value, as provided for in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said article.

ARTICLE XI.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

Vacancies;
how filled.

President
pro tem.

ARTICLE XII.

Sec. 1. The president and trustees shall each receive as compensation for attendance at the regular meetings of the board of trustees, one dollar for each day, and fifty cents for each half day.

Compensa-
tion of offi-
cers.

Sec. 2. The officers of said village (except as provided for in section one of this article) shall receive such compensation as the board of trustees shall by resolution direct.

ARTICLE XIII.

Sec. 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent. upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Limit of
taxation.

Sec. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to tax-

Highway
tax; how ex-
pended.

ation in said village, not exceeding, in any one year, the sum of one-half of one per cent. upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys and lanes of said village, as the board of trustees shall direct.

Poll tax.

Sec. 3. The board of trustees shall have power to levy, and cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of sixty years, except paupers, idiots, lunatics, and others excepted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

What highway tax to be levied.

Sec. 4. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be included in and subjected to the same proceedings as by this act are required to be had upon the general tax.

Special tax.

Sec. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding one per centum of the assessed valuation of said village, by special tax: *Provided*, That the consent of a majority of the taxable inhabitants of said village, paying taxes on real estate therein, authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained.

Proviso.

Notice of meeting to raise tax.

Sec. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published, by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in one or more of the village newspapers, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Manner of voting tax.

Sec. 7. The vote on any special tax shall be by ballot, which shall have written or printed on the inside, the words "For

the Tax," or "Against the Tax," and be deposited in a separate box, to be labeled "Village Tax;" and all other proceedings had thereon shall be the same as provided for in this act for holding elections.

Sec. 8. The proceedings for the assessing, apportioning, reviewing, and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of a general tax.

ARTICLE XIV.

Sec. 1. The assessors of said village shall, once in each year, and on or before the second Monday in May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village; and shall set down in such roll the valuation of such property, at its true value, placing the value of real and personal property in separate columns. Assessment roll; contents of.

Sec. 2. The assessors, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least six public places in said village, that on a certain day, and at a certain place in said village therein named, they will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment, may be heard. Notice of day to review.

Sec. 3. The assessors, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed, the assessors shall then and there alter such assessment roll, as shall appear to them just and proper. May be changed if incorrect.

Sec. 4. Immediately after the expiration of the ten days, and review of the assessment roll as aforesaid, the assessors shall certify the said roll, under their hands, to the board of trustees of said village. To be certified by assessors to board of trustees.

To report to
trustees.

Sec. 6. He shall report, in writing, to the board of trustees from time to time, as he may be required by resolution of the board of trustees, his acts and doings by virtue of his office, which report shall be filed with the clerk of the village.

How
removed.

Sec. 7. The marshal may be removed from office for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such refusal shall, in all cases, be spread at large upon the records of the village.

ARTICLE IX.

Treasurer;
powers and
duties of.

Sec. 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

To keep
record of
receipts, etc.

Sec. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report, in writing, of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation.

To make
report.

To pay out
money on
order of
president.

Sec. 3. The treasurer shall not pay any money on account of said village, except upon a resolution of the board of trustees, and on an order signed by the president, and countersigned by the clerk.

May sell
land for
taxes.

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act.

ARTICLE X.

Assessors;
duties of.

Sec. 1. It shall be the duty of the assessors once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and shall set down, in such roll, the valuation of

such property at its fair cash value, as provided for in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said article.

ARTICLE XI.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

Vacancies;
how filled.

President
pro tem.

ARTICLE XII.

Sec. 1. The president and trustees shall each receive as compensation for attendance at the regular meetings of the board of trustees, one dollar for each day, and fifty cents for each half day.

Compensa-
tion of offi-
cers.

Sec. 2. The officers of said village (except as provided for in section one of this article) shall receive such compensation as the board of trustees shall by resolution direct.

ARTICLE XIII.

Sec. 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent. upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Limit of
taxation.

Sec. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to tax-

Highway
tax; how ex-
pended.

ation in said village, not exceeding, in any one year, the sum of one-half of one per cent. upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys and lanes of said village, as the board of trustees shall direct.

Poll tax.

Sec. 3. The board of trustees shall have power to levy, and cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of sixty years, except paupers, idiots, lunatics, and others excepted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

What
highway tax
to be levied.

Sec. 4. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be included in and subjected to the same proceedings as by this act are required to be had upon the general tax.

Special tax.

Sec. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding one per centum of the assessed valuation of said village, by special tax: *Provided*, That the consent of a majority of the taxable inhabitants of said village, paying taxes on real estate therein, authorized to vote, who are present and voting at an annual or special meeting called for that purpose, first be obtained.

Proviso.

Notice of
meeting to
raise tax.

Sec. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published, by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in one or more of the village newspapers, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Manner of
voting tax.

Sec. 7. The vote on any special tax shall be by ballot, which shall have written or printed on the inside, the words "For

the Tax," or "Against the Tax," and be deposited in a separate box, to be labeled "Village Tax;" and all other proceedings had thereon shall be the same as provided for in this act for holding elections.

Sec. 8. The proceedings for the assessing, apportioning, reviewing, and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of a general tax.

ARTICLE XIV.

Sec. 1. The assessors of said village shall, once in each year, and on or before the second Monday in May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village; and shall set down in such roll the valuation of such property, at its true value, placing the value of real and personal property in separate columns.

Assessment roll; contents of.

Sec. 2. The assessors, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least six public places in said village, that on a certain day, and at a certain place in said village therein named, they will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment, may be heard.

Notice of day to review.

Sec. 3. The assessors, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed, the assessors shall then and there alter such assessment roll, as shall appear to them just and proper.

May be changed if incorrect.

Sec. 4. Immediately after the expiration of the ten days, and review of the assessment roll as aforesaid, the assessors shall certify the said roll, under their hands, to the board of trustees of said village.

To be certified by assessors to board of trustees.

To be certified back by trustees to assessors.

Sec. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessors, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four, of article six of this act, which said certificate endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Apportionment of taxes.

Sec. 1. The assessors of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done, under section four, of article six of this act, to be paid by the owner or owners, or parties interested in such real and personal estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Marshal to collect taxes.

Sec. 2. Immediately after apportioning the tax, as provided for in the preceding section, the assessors shall cause said assessment roll, certified to under their hands, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hands of said assessors, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, opposite their respective names,

as a tax or assessment, and authorizing him, in case any of Distress and sale. them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than forty days from the date of said warrant.

Sec. 3. The assessors may renew said warrant from time to Warrant renewed. time, by direction of the board of trustees.

Sec. 4. Whenever any special tax shall be voted to be raised, Basis of special tax. as provided for in article thirteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate, as set down in the annual assessment roll.

ARTICLE XVI.

Sec. 1. The marshal of said village shall, immediately after Collection of taxes. receiving the assessment roll, with the warrant of the assessors thereunto annexed, as provided for in section three of the preceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

Sec. 2. If any person or persons shall refuse or neglect to Refusal to pay. pay the sum or sums at which they shall be taxed or assessed, as aforesaid, the marshal shall proceed to levy the same by dis- Distress and sale. tress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in Surplus returned to owner. case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment with the charges of distress and sale thereon, the surplus shall be paid on demand, to the owner or owners of such goods and chattels.

Sec. 3. In case the marshal shall be unable to collect the Return of unpaid taxes. taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to

Assessments
a lien on real
estate.

him for the collection of the taxes, or in the renewal of the time thereof by the said assessors, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Treasurer to
keep list of
lands.

Sec. 4. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum, from the date of the warrant to the marshal, as aforesaid, for the term of one year from such date, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Land sold
for taxes.

Notice of
sale; time
and place.

Sec. 5. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice, for at least six weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Rules of
sale.

Sec. 6. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day, until all is sold upon which there are taxes, assessments, and interest, due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale as aforesaid.

Part of des-
cription to
be sold.

Sec. 7. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Sec. 8. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

Certificate of purchase.

Time to redeem.

Conveyance.

Conveyance received in evidence.

ARTICLE XVII.

Sec. 1. The president, clerk, and one of the three trustees having the shortest time to serve, shall constitute the village board of registration.

Board of registration.

Sec. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State, relating to the registration in the several townships thereof, to be kept by the said village clerk.

Clerk; duties of.

Sec. 3. The clerk of said village shall, at any time, (except as provided for in this act,) on demand, enter, in its alphabetical order, the name of any person entitled to vote in said

To register names.

village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Revision and completion of list of voters.

Sec. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session, at the office of the clerk in said village, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and, after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XVIII.

Election board.

Sec. 1. The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board.

Register of election to be given to board.

Sec. 2. At any election, held under and by virtue of the provisions of this act, (except at the first election otherwise provided for,) and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Allegan to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

How registration book shall be used at first election.

Sec. 3. At the first election held in said village, under the provisions of this act, the registration book of the township of Allegan, of the qualified electors of said village, shall be used with the like force and effect as "the register of the electors of the village of Allegan," provided for in this act.

Sec. 4. The registration of electors, provided for in this act, shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of Allegan.

Shall not interfere with registration of township electors.

Sec. 5. The boards of registration and election in said village, shall exercise the same powers to preserve the purity of elections as are now or may hereafter be given by law to boards of registration and election, in the several townships in this State, except as modified by the provisions of this act.

Powers of board of registration.

ARTICLE XIX.

Sec. 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five, of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of the said board of trustees, of the intention of the said board of trustees to take such lands for the purposes aforesaid; and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if at the expiration of the time limited, as aforesaid, for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Allegan to issue a *venire facias*, to command the marshal of said village, or any constable of the county of Allegan, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal

Private lands taken for public purposes.

Board of trustees to treat with owners.

In case of disagreement to summon jury.

Jury to
award
damages.

representatives, which jury, being first duly sworn by the said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives therefor, for their respective damage, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with the costs, shall be paid, or legally tendered, before such land, ground, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives, in whose favor the said judgment shall be rendered; it shall thereupon be lawful for the board of trustees to cause the said land, ground, or premises to be occupied and used for the purposes as aforesaid.

Payment
tendered to
owner.

Proviso.

Sec. 2. *Provided*, That the board of trustees, or any party or parties claiming damages, as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court for the county of Allegan, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days; or, in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court for the county of Allegan, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages, in said circuit court, shall not be at least twenty dollars more favorable to the party appealing than the judgment appealed from, then

md.

the party appealing shall pay all costs occasioned by such appeal.

ARTICLE XX.

Sec. 1. Whenever publication shall be required, by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in one or more of the newspapers of said village, if any such shall be published therein, and if not, then by posting up in at least three of the most public places in said village.

Publication;
meaning of
term.

Sec. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village, when publication is made by posting up as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation, or ordinance of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

Affidavit of
publisher to
be *prima*
facie evi-
dence.

ARTICLE XXI.

Sec. 1. The board of trustees shall, at the expiration of each year, cause to be made out and published, a true statement, in writing, of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year.

Annual
statement of
board of
trustees.

ARTICLE XXII.

Sec. 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal.

Deputy
marshals.

ARTICLE XXIII.

Sec. 1. The marshal shall pay all moneys collected by him, by virtue of his office, except as herein otherwise provided for,

Moneys col-
lected by
marshal.

within twenty days after receiving the same, to the treasurer of said village.

Receipt of
treasurer.

Sec. 2. The treasurer of said village shall give a receipt, in writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same.

ARTICLE XXIV.

Exempt
from control
of highway
commis'rs.

Sec. 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of Allegan, except as to the bridges aforesaid.

Highway
fund; how
kept.

Sec. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund, except for highway purposes.

ARTICLE XXV.

Firemen;
privileges of.

Sec. 1. Each member of the fire department, or an engine, hook and ladder, bucket, or hose company, duly organized by the board of trustees, shall be exempt from poll tax, and shall also be excused from serving on jury.

ARTICLE XXVI.

Board of
trustees may
borrow
money for
cemetery
purposes.

Issue bonds.

Sec. 1. The board of trustees of said village shall have power to borrow money on the credit of said village, not exceeding the sum of five thousand dollars, in anticipation of the receipts from the general village taxes, and particularly in anticipation of the receipts from the sale of cemetery lots, as hereinafter in this section provided, for the purpose of purchasing land for a village cemetery, and may issue the bonds of the village therefor, payable at such times, in such sums, of which not exceeding one thousand dollars shall become due in any one year, and with such rate of interest, not exceeding ten per cent. per annum, as said board of trustees shall direct, which bonds shall be signed by the president, and countersigned by the clerk of

said village. The money so borrowed shall be a separate and distinct fund, to be known as "the cemetery fund;" and the said board are hereby authorized and empowered to locate, either within or without the limits of said village, and to purchase with said fund, for the purpose of a cemetery, a tract of land not exceeding forty acres, which shall be conveyed to said board of trustees; and the board of trustees are hereby authorized and empowered to have the management, control and supervision of any such ground so purchased by them, and shall cause the same to be properly surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered thereon, and also their size, situation and extent, with the width, extent and location of all the streets, alleys or walks in such grounds, which maps shall be certified by said board of trustees to be a correct map of the cemetery ground of said village; one of said maps shall be filed in the office of the clerk of said village, and one in the office of the register of deeds of the county of Allegan; and the board of trustees may contract, sell, and convey the lots in said ground, and the proceeds thereof shall be appropriated for the following purposes, in the order mentioned:

Money to be kept as a distinct fund.

Land purchased for cemetery.

Survey of

Maps of, and where filed.

Trustees may sell lots in, for—

First. To defray the expenses of said survey and maps;

Defray in expenses. Fencing grounds.

Second. For fencing around said ground, and for making such other improvements as the board of trustees may deem necessary and important should be done without any further delay;

Third. To pay for said grounds, or to redeem, pay, and cancel any bonds of the village that may have been issued in payment for said ground;

To pay for grounds.

Fourth. To improve, ornament, and beautify said ground and the appurtenances thereto belonging, and for such other purposes, relating to said cemetery, as said board may deem best.

To improve cemetery.

All moneys received for lots sold, or in any way accruing to the credit of said fund, shall be immediately paid by the per-

Moneys to be paid to village treasurer.

Assessments
a lien on real
estate.

him for the collection of the taxes, or in the renewal of the time thereof by the said assessors, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Treasurer to
keep list of
lands.

Sec. 4. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum, from the date of the warrant to the marshal, as aforesaid, for the term of one year from such date, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Land sold
for taxes.

Notice of
sale; time
and place.

Sec. 5. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice, for at least six weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Rules of
sale.

Sec. 6. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day, until all is sold upon which there are taxes, assessments, and interest, due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale as aforesaid.

Part of des-
cription to
be sold.

Sec. 7. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Sec. 8. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

Certificate
of purchase.

Time to
redeem.

Conveyance.

Conveyance
received in
evidence.

ARTICLE XVII.

Sec. 1. The president, clerk, and one of the three trustees having the shortest time to serve, shall constitute the village board of registration.

Board of
registration.

Sec. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State, relating to the registration in the several townships thereof, to be kept by the said village clerk.

Clerk; duties
of.

Sec. 3. The clerk of said village shall, at any time, (except as provided for in this act,) on demand, enter, in its alphabetical order, the name of any person entitled to vote in said

To register
names.

village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Revision and
completion
of list of
voters.

Sec. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session, at the office of the clerk in said village, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and, after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XVIII.

Election
board.

Sec. 1. The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board.

Register of
election to
be given to
board.

Sec. 2. At any election, held under and by virtue of the provisions of this act, (except at the first election otherwise provided for,) and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Allegan to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

How regis-
tration book
shall be used
at first elec-
tion.

Sec. 3. At the first election held in said village, under the provisions of this act, the registration book of the township of Allegan, of the qualified electors of said village, shall be used with the like force and effect as "the register of the electors of the village of Allegan," provided for in this act.

Sec. 4. The registration of electors, provided for in this act, shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of Allegan. Shall not interfere with registration of township electors.

Sec. 5. The boards of registration and election in said village, shall exercise the same powers to preserve the purity of elections as are now or may hereafter be given by law to boards of registration and election, in the several townships in this State, except as modified by the provisions of this act. Powers of board of registration.

ARTICLE XIX.

Sec. 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five, of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of the said board of trustees, of the intention of the said board of trustees to take such lands for the purposes aforesaid; and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if at the expiration of the time limited, as aforesaid, for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Allegan to issue a *venire facias*, to command the marshal of said village, or any constable of the county of Allegan, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal Private lands taken for public purposes.

Board of trustees to treat with owners.

In case of disagreement to summon jury.

Clerk to notify persons of their election.

the clerk of said village shall notify each person elected of his election, and the officers elected shall enter upon their duties the ensuing Monday.

President and other officers to take oath.

Sec. 5. The president, and every other officer elected or appointed under the provisions of this act shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk.

Village board.

Sec. 6. The president and trustees shall constitute a village board, a majority of whom shall constitute a quorum for the transaction of business. A less number, however, may adjourn from time to time. The president shall be executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect one of their own number a president *pro tem.*, who shall have all the powers, and perform all the duties of the president. It shall be the duty of the clerk to attend all meetings of the village board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

President; duties of.

President pro tem.

Clerk; duties of.

Body corporate and politic.

Sec. 7. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of "The President and Trustees of the Village of Saranac," and may have a common seal which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same; and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall

Common seal.

be served upon the president, or any one of the trustees of the village, at least six days before the return day thereof.

Sec. 8. The president and trustees shall have power to or- Powers of president and trustees.
 der and establish by-laws, rules and regulations, and to alter
 and repeal the same at pleasure, for the following purposes,
 to wit: For the appointment of such officers (whose election is To appoint officers.
 not herein provided for) for said village as they may deem
 necessary, and to fix the compensation for their services; and
 also, such as they may deem necessary and right for the main-
 tenance and preservation of the public places, property, and
 buildings of said village; to regulate the police thereof; to Regulate police.
 preserve the public peace; to prevent riots, disturbances, and Preserve peace, etc.
 disorderly assemblages; to appoint watchmen and policemen,
 and organize a fire department, and define their duties, and Organize fire department.
 prescribe penalties for their delinquencies; to restrain, appre- Punish vagrants, etc.
 hend and punish vagrants, mendicants, drunkards, and all dis-
 orderly persons; to punish lewd and lascivious behavior in the
 streets or other public places; to suppress and restrain disorderly Suppress gaming.
 and gaming houses, billiard tables, and other devices and in-
 struments of gaming; and shall have exclusive power and au- Tavern keepers.
 thority to license such persons as tavern keepers and com-
 mon victualers, as they shall think best, but no license shall
 be in force except during the life of the board granting it; to Liquors.
 prevent the selling or giving away of spirituous or fermented
 liquors to drunkards, minors, or apprentices; to prevent and Immoderate driving.
 punish inordinate riding or driving in any street, or over
 any bridge, and to authorize the arrest and detention of
 any person who shall be guilty of the same; to abate, Nuisances.
 prevent, and remove nuisances; to suppress disorderly houses, Houses of ill-fame.
 and houses of ill-fame, and to punish the inmates and keep-
 ers thereof; to prevent and compel the removal of all in- Remove obstructions from streets.
 cumbrances, encroachments, and obstructions upon the streets,
 walks, lanes, alleys, bridges, parks, and public grounds within
 said village; to compel the owners or occupants of lots to clear Sidewalks.
 sidewalks in front of or adjacent thereto, of snow, ice, dirt,
 mud, boxes, and every incumbrance or obstruction thereto; to

Storage of powder.	regulate the storage of powder, lumber, or other combustible
Fire-arms.	material; to prevent the use of fire-arms, slung-shots, and
Markets.	other weapons, and fire-works; to construct and regulate
	markets; to regulate the vending of meats, vegetables, fruits,
	fish, and provisions of all kinds; to regulate the sale of hay,
	wood, lime, lumber, and coal; to regulate the gauging of ves-
Weights and measures.	sels containing liquor, the sealing of weights and measures; to
Pounds.	regulate and maintain one or more pounds, and to provide for
	the restraint of horses, and cattle, sheep, swine, and other ani-
	mals, geese, and other poultry, and to authorize the taking up,
	impounding, and sale of the same for the penalty incurred, and
Dogs.	the cost of keeping and impounding, and to punish for the res-
	cuing the same before all costs and charges are paid; to prevent
	the running at large of dogs, to require them to be muzzled,
	and to authorize their destruction if found at large in violation
License cartmen, etc.	of any ordinance; to regulate and license cartmen, porters,
	hacks, and cabs, and to regulate their rates of compensation; to
Construct hydraulic works.	prevent runners from soliciting travelers; to construct hydraulic
	works to supply the village with water; to light the streets;
Borrow money.	to borrow money for public improvements, not exceeding one
Wells and cisterns.	thousand dollars in any one year; to establish wells and cis-
	terns, and to prevent the waste of water; to regulate and
Bathing.	prohibit bathing in the public waters within said village; to
Cemeteries.	purchase grounds for, and regulate cemeteries, and the burial
	of the dead, and to provide for the return of the bills of mor-
	tality, and to order the use, for burial purposes, of any burial
	ground or cemetery to be discontinued, whenever they may
	deem the same necessary for the best interests or health of the
Boundaries.	citizens; to ascertain, establish, and settle the boundaries of all
Grades.	streets and alleys, and to establish grades therefor; to order
Drainage.	and cause to be drained, or filled, any low, or marshy land; to
	cleanse, and regulate any grounds, yards, basins, cellars, or
	vaults within said village that may be sunken, damp, foul, in-
	cumbered with rubbish, or unwholesome, and to assess the cost
	and expense thereof on the premises benefited; to establish lines
Building lines.	upon which buildings may be erected, and beyond which such

buildings shall not extend; to prevent the erection of buildings Erection of buildings, etc. in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to regulate the building of Fences. partition, and other fences; to establish fire limits, within which Fire limits, etc. no wooden buildings shall be moved, built, or enlarged; to regulate Regulate party walls. party walls, chimneys, flues, and putting up of stoves and stove-pipes, and other things that may be deemed dangerous in causing or promoting fires; to purchase, and keep in order fire- Fire engines, etc. engines, and other fire apparatus, and construct buildings to store them; to cause each building occupied as a house, store, or shop, to be provided with fire buckets and ladders, and to organize, maintain, and regulate all such fire-engine, hook and ladder, hose, and bucket companies as may be deemed expedient, and may appoint, from among the inhabitants of said Firemen. village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their by-laws and rules for the organization and government of the company, subject to the approval of the village board; to regulate the duties, powers, Regulate powers, etc. of village officers. and fees of village officers; to prescribe the setting of posts, and shade trees; to provide for the construction of sidewalks, and repairing the same; to grade the walks, streets, and alleys, and Grading streets. to prescribe the manner of planking or repairing them; the cost and expense of planking or repairing sidewalks, grading, Planking sidewalks. or paving streets, walks, and alleys, the paving or planking, to be paid by assessments on the lots in front of [or] adjoining either or all such improvements which shall be made: *Pro-* Proviso. *vided*, That so much money belonging to the highway fund of said village as the president and trustees may direct, may be expended for grading: *And provided further*, That no more And. than one per cent. on the assessed value of any lot, shall be collected in any one year for such purpose; to build bridges, and construct sewers, drains, and culverts; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds, and parks in said village; to lay out, Lay out streets, etc. establish, open, extend, widen, straighten, alter, close, and

vacate such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village, as they shall deem necessary for the public good and convenience, under the restrictions provided for in this act; to prescribe the levying and collection of highway and other taxes; to regulate the covering of mill-races, at the expense of the owners thereof; to rail and curb, when necessary, all walks, at the expense of the owners of the adjoining lots; to license and regulate auctioneers, peddlers, and pawn-brokers, and auctions, and hawking, and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibition of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to provide a village jail in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-law, until the conclusion of their trial, unless admitted to bail according to law; to provide for taking a census whenever they shall see fit; to levy taxes on all personal and real estate within the limits of the village, excepting places of public worship belonging to any church or congregation, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county, or State; but it shall not be lawful to levy, in any one year, an amount exceeding one per centum on the assessed valuation of the real and personal property of said village, and such levy of taxes, as aforesaid, shall be made on or before the second Monday of November of each and every year; for the violation of any by-laws, rules, and regulations, such reasonable penalties may be imposed by the law itself, as the president and trustees may deem

Peddlers,
etc.

Regulate
theatres, etc.

Village jail.

Census.

Levy taxes.

Impose fines,
etc.

proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Boston; and any interest the inhabitants of said village may have in the fine or penalty to be recovered, shall not disqualify any of them to try said cause, or to serve as a juror or witness therein; and the circuit court for the county of Ionia shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Fines; how recovered.

Sec. 9. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two successive weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

When by-laws shall take effect.

Affidavit of publication.

Sec. 10. All taxes levied upon real estate, and all assessments made thereon for the opening, widening, extending, paving, grading, planking, or repairing of any street, alley, or sidewalk, and all highway taxes, shall be and remain a lien upon said real estate, until the same is paid.

Taxes a lien on real estate.

Sec. 11. The president and trustees shall, at the expiration of each year, cause to be made and published a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against the village, or accounts with it, not previously audited, and shall make out in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the president and trustees, and the object and

President and trustees to make annual statement.

Officers
elected.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet at Sackett's Hall, in said village, on the first Monday of March, 1869, and on the first Monday of March annually, thereafter, at such place as shall be provided in the by-laws of said village, and then and there by ballot, shall select by plurality of votes, a president, clerk, assessor, treasurer, marshal, and two trustees of said village, who shall hold their office for one year, or until their successors are chosen and qualified, and two trustees for two years, or until their successors are chosen and qualified; and annually thereafter, as aforesaid, a president, clerk, assessor, treasurer and marshal of said village shall be elected, who shall hold their respective offices for one year, and two trustees, who shall hold their respective offices for two years, or until their successors are chosen and qualified; but if an election of the aforesaid officers shall not be made on the day when, pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the general election.

Term of
office.

Judges and
clerk of
election.

Sec. 3. At the first election to be held in said village under this act, there shall be chosen by the qualified electors there present, from among their number, by *viva voce* vote, two judges and one clerk of said election, who together shall constitute

Official oath.

the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village under the provisions of this act, any two of the trustees may be judges, and the clerk of the village, or his substitute, shall be the clerk of the election, who, together, shall constitute the board of inspectors thereof; and all such elections shall be conducted as nearly as may be, in the same manner as

Board of
inspectors
to have
charge of
elections.

is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided; and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the elections and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State, and it shall be sufficient to keep but one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon To certify number of votes given. certify and declare in writing the whole number of votes given for each officer, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the clerk of said village, the same or succeeding day of such election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours To declare result of election. after such certificate shall have been so filed, the said inspectors shall complete said canvass, and determine what persons are elected to the several offices respectively, and cause said determination to be entered upon the records of said village; and In case of tie, to determine by lot. if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the inspectors of such election shall determine, within the time aforesaid, by lot, which of such persons shall be considered elected.

Sec. 4. It shall be the duty of the clerk to give at least five Notice of election. days' notice of the time and place of holding any election, either by posting written or printed notices in three of the most public places in said village, or by causing the same to be published in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election; and on the day Time to open and close polls. of election, held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon of the same day; and within five days after the closing of the poll of any election,

Clerk to notify persons of their election.

the clerk of said village shall notify each person elected of his election, and the officers elected shall enter upon their duties the ensuing Monday.

President and other officers to take oath.

Sec. 5. The president, and every other officer elected or appointed under the provisions of this act shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk.

Village board.

Sec. 6. The president and trustees shall constitute a village board, a majority of whom shall constitute a quorum for the transaction of business. A less number, however, may adjourn from time to time. The president shall be executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect one of their own number a president *pro tem.*, who shall have all the powers, and perform all the duties of the president. It shall be the duty of the clerk to attend all meetings of the village board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

President; duties of.

President pro tem.

Clerk; duties of.

Body corporate and politic.

Sec. 7. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of "The President and Trustees of the Village of Saranac," and may have a common seal which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same; and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall

Common seal.

reserved upon the president, or any one of the trustees of the village, at least six days before the return day thereof.

Sec. 8. The president and trustees shall have power to or- Powers of president and trustees.
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 and organize a fire department, and define their duties, and Organize fire department.
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 ers thereof; to prevent and compel the removal of all in- Remove obstructions from streets.
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 said village; to compel the owners or occupants of lots to clear Sidewalks.
 sidewalks in front of or adjacent thereto, of snow, ice, dirt,
 and boxes, and every incumbrance or obstruction thereto; to

Storage of powder.	regulate the storage of powder, lumber, or other combustible
Fire-arms.	material; to prevent the use of fire-arms, slung-shots, and
Markets.	other weapons, and fire-works; to construct and regulate
	markets; to regulate the vending of meats, vegetables, fruits,
	fish, and provisions of all kinds; to regulate the sale of hay,
	wood, lime, lumber, and coal; to regulate the gauging of ves-
Weights and measures.	sels containing liquor, the sealing of weights and measures; to
Pounds.	regulate and maintain one or more pounds, and to provide for
	the restraint of horses, and cattle, sheep, swine, and other ani-
	mals, geese, and other poultry, and to authorize the taking up,
	impounding, and sale of the same for the penalty incurred, and
Dogs.	the cost of keeping and impounding, and to punish for the res-
	cuing the same before all costs and charges are paid; to prevent
	the running at large of dogs, to require them to be muzzled,
	and to authorize their destruction if found at large in violation
License cartmen, etc.	of any ordinance; to regulate and license cartmen, porters,
	hacks, and cabs, and to regulate their rates of compensation; to
Construct hydraulic works.	prevent runners from soliciting travelers; to construct hydraulic
	works to supply the village with water; to light the streets;
Borrow money.	to borrow money for public improvements, not exceeding one
Wells and cisterns.	thousand dollars in any one year; to establish wells and cis-
	terns, and to prevent the waste of water; to regulate and
Bathing.	prohibit bathing in the public waters within said village; to
Cemeteries.	purchase grounds for, and regulate cemeteries, and the burial
	of the dead, and to provide for the return of the bills of mor-
	tality, and to order the use, for burial purposes, of any burial
	ground or cemetery to be discontinued, whenever they may
	deem the same necessary for the best interests or health of the
Municipalities.	citizens; to ascertain, establish, and settle the boundaries of all
Streets.	streets and alleys, and to establish grades therefor; to order
Drainage.	and cause to be drained, or filled, any low, or marshy land; to
	cleanse, and regulate any grounds, yards, basins, cellars, or
	vaults within said village that may be sunken, damp, foul, in-
	cumbered with rubbish, or unwholesome, and to assess the cost
	and expense thereof on the premises benefited; to establish lines
Building laws.	upon which buildings may be erected, and beyond which such

buildings shall not extend; to prevent the erection of buildings Erection of buildings, etc.
 in an unsafe manner, and to pass all necessary regulations rela-
 tive to buildings deemed unsafe; to regulate the building of Fences.
 partition, and other fences; to establish fire limits, within which Fire limits, etc.
 no wooden buildings shall be moved, built, or enlarged; to reg- Regulate party walls.
 ulate party walls, chimneys, flues, and putting up of stoves and
 stove-pipes, and other things that may be deemed dangerous in
 causing or promoting fires; to purchase, and keep in order fire- Fire engines, etc.
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 store them; to cause each building occupied as a house, store,
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 organize, maintain, and regulate all such fire-engine, hook and
 ladder, hose, and bucket companies as may be deemed expe-
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 collected in any one year for such purpose; to build bridges,
 and construct sewers, drains, and culverts; to grade, gravel,
 pave, repair, amend, and otherwise improve the streets, lanes,
 alleys, public grounds, and parks in said village; to lay out, Lay out streets, etc.
 establish, open, extend, widen, straighten, alter, close, and

vacate such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village, as they shall deem necessary for the public good and convenience, under the restrictions provided for in this act; to prescribe the levying and collection of highway and other taxes; to regulate the covering of mill-races, at the expense of the owners thereof; to rail and curb, when necessary, all walks, at the expense of the owners of the adjoining lots; to license and regulate auctioneers, peddlers, and pawn-brokers, and auctions, and hawking, and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibition of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to provide a village jail in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-law, until the conclusion of their trial, unless admitted to bail according to law; to provide for taking a census whenever they shall see fit; to levy taxes on all personal and real estate within the limits of the village, excepting places of public worship belonging to any church or congregation, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county, or State; but it shall not be lawful to levy, in any one year, an amount exceeding one per centum on the assessed valuation of the real and personal property of said village, and such levy of taxes, as aforesaid, shall be made on or before the second Monday of November of each and every year; for the violation of any by-laws, rules, and regulations, such reasonable penalties may be imposed by the law itself, as the president and trustees may deem

Peddlers,
etc.

Regulate
theatres, etc.

Village jail.

Census.

Levy taxes.

Impose fines,
etc.

proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Boston; and any interest the inhabitants of said village may have in the fine or penalty to be recovered, shall not disqualify any of them to try said cause, or to serve as a juror or witness therein; and the circuit court for the county of Ionia shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Fines; how recovered.

Sec. 9. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two successive weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

When by-laws shall take effect.

Affidavit of publication.

Sec. 10. All taxes levied upon real estate, and all assessments made thereon for the opening, widening, extending, paving, grading, planking, or repairing of any street, alley, or sidewalk, and all highway taxes, shall be and remain a lien upon said real estate, until the same is paid.

Taxes a lien on real estate.

Sec. 11. The president and trustees shall, at the expiration of each year, cause to be made and published a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against the village, or accounts with it, not previously audited, and shall make out in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the president and trustees, and the object and

President and trustees to make annual statement.

Contents of. purpose for which the same were made; the amount of money expended under such appropriations; the amount of taxes raised; the amount expended on streets; the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village, and such statement shall be placed on file in the office of the village clerk, and subject to inspection at any and all times by the citizens of said village.

Where filed.

**Accounts to
be verified
by affidavit.**

Sec. 12. Before any account or demand shall be audited, allowed, or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper date, in detail, which affidavit may be taken and certified by any member of the village board, or by any person authorized to administer oaths.

**Assessment
roll.**

Sec. 13. The assessor of said village shall, once in each year, and on or before the second Monday of May, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner, or occupant, or agent thereof, if known, and the names of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days notice by publishing thereof, either in some newspaper printed in said village, or by posting the same up in three public places in said village, of the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or persons deeming them-

**Notice of
time to
review.**

Corrections. selves aggrieved may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has

been wrongfully assessed. After the expiration of the said ten ^{Contents of assessment roll} days, the assessor and president and trustees shall immediately proceed to estimate, apportion, and cause to be set down, in a column opposite to the several sums set down as the value of real and personal estate, in the assessment roll, the respective sums in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself; any special tax or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself, opposite the proper description; any capitation or poll tax authorized by this act may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes; and they shall then ^{Marshal to collect tax.} cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names as a tax or assessment, and authorizing him, in case ^{Refusal to pay.} any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of the goods and chattels of such ^{Distress and sale.} person or persons, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time ^{Warrant renewed.} as the president and trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Sec. 14. If any person or persons shall refuse or neglect to ^{Marshal may sell property for taxes.} pay the sum or sums at which he, she or they shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods

Surplus
returned to
owner.

Return
of unpaid
taxes.

Taxes
a lien on real
estate.

Unpaid
taxes; how
collected.

and chattels of the persons to whom the same is assessed, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax and assessment, with the charges of distress and sale thereon, the surplus shall be paid to the owner or owners of such goods and chattels on demand; and in case the marshal shall be unable to collect any of the taxes mentioned in said roll or copy thereof, up to the time mentioned in the warrant and renewal thereof, he shall make in said roll, or copy thereof, or permanently attach thereto a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further that he has not been able to collect the same, nor upon diligent inquiry to discover any goods and chattels subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver said roll or a copy thereof, with the statement as above mentioned, to the treasurer of said village within five days thereafter; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien thereon, until the same is paid.

Sec. 15. Whenever any tax assessed upon personal property under the provisions of this act shall be returned by the marshal for non-payment, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax; and in case any person liable to pay such tax upon personal property shall have removed out of the village after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township

within the county to which such person shall have removed, or in which he shall reside.

Sec. 16. Whenever any real estate shall have been returned by the marshal for delinquent taxes, the treasurer of said village shall preserve a list of the same; and if any such taxes or assessments upon real estate returned for non-payment of taxes as provided in section fourteen of this act, and the interest thereon, to be computed at the rate of twenty per cent. per annum until paid, shall remain unpaid for the period of one year from the date of the warrant to the marshal as aforesaid, the said treasurer shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least six weeks notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of said publication, recorded in the manner prescribed in section nine of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Treasurer to keep list of lands.

Land sold for taxes.

Affidavit.

Sec. 17. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty per cent. per

Day of sale.

Certificate of purchase.

Conveyance. annum from the date of said certificate, the treasurer or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the land sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple:

Proviso. *Provided,* All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Fees of treasurer.

Sec. 18. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to county treasurers for like services; and the expenses for the advertising of any land for sale, in pursuance of this act, shall by the treasurer, be added to such taxes respectively, as are charged upon lands delinquent for State and county taxes.

Money ; how drawn.

Sec. 19. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Trustees not to become sureties or be interested in village contracts.

Sec. 20. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office, under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Sec. 21. All moneys assessed and raised for highway purposes shall be kept a fund, separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes. Highway fund; how kept.

Sec. 22. No officer, appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may require of them, and any other officer who may be elected under the provisions of this act, such security, by bond, for the performance of the duties of their respective offices as shall be deemed expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear and determine the same. Appointed officers to give bonds

Sec. 23. The marshal shall have general supervision of the village, and shall see that the laws are enforced, and by virtue of his office, shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or any building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed any breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Boston, who shall try, hear, and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases. Marshal; powers and duties of. To be chief of police. May enter gaming houses. Arrest felons. To compel aid at fires. Proviso.

Sec. 24. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from When marshal may be removed.

office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Resignations
of officers.

Sec. 25. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the president and trustees, subject to their approval or acceptance.

Vacancy;
how filled.

Sec. 26. If any officer, elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act shall neglect to file his oath of office as in this act directed, or shall neglect to file an official bond when the same is required, such neglect may be deemed a refusal to serve, and in case of such neglect, the president and trustees may proceed immediately to cause such office to be supplied as in case of a vacancy.

Ibid.

Sec. 27. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all cases of vacancy, the same may be filled by appointment by the president and trustees for the unexpired term.

Salaries of
officers.

Sec. 28. The president and trustees shall not receive any pecuniary compensation for their services, except while acting as judges of election, and when determining what persons are elected thereat, for which services they shall be entitled to the same compensation as is or shall be allowed by law to inspectors of election in the several townships of this State; the clerk, assessor, treasurer, marshal, and all officers appointed by the president and trustees, shall be entitled to such compensation for their services as the president and trustees shall from time to time direct, by resolution entered upon their records.

Common
jail.

Sec. 29. The corporation shall be allowed the use of the common jail of the county of Ionia, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said

jail shall be under the charge of the sheriff, as in other cases:

Provided, The county shall in no manner be chargeable with Proviso. the costs and expenses of such imprisonment in civil cases.

Sec. 30. Each member of the fire department, or an engine, Firemen exempt from poll tax. hook and ladder, bucket, or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the aid and assistance of citizens to aid in extinguishing any fire.

Sec. 31. The president and trustees shall be the commis- Trustees to be street commissioners. sioners of streets and highways within the limits of the village, and shall have the same power, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, except as to the bridges across Grand River and Lake Creek, and shall appoint May appoint overseers of highways. one or more overseers of highways, streets, and alleys, and shall cause a tax to be levied and collected upon the real and Levy tax. personal property in said village, not exceeding five hundred dollars, nor less than one hundred and fifty dollars in any one year; and no other highway taxes shall be levied and collected Citizens to pay poll tax. in said village, except that every male inhabitant above the age of twenty-one years, and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section thirty of this act, and other persons who are by law exempt, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who Penalty for non-payment. shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt before any justice of the peace of the township of Boston, or of any other township in this State to which any such person shall

have removed; and the president and trustees shall cause a list to be made and delivered to the marshal on or before the second Monday of May in each year, of all persons liable to pay said poll tax; and the president and trustees shall have exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property in said village from any township tax that may be legally levied within and for the township of Boston, for the repairing, building, or rebuilding of any bridge within said township; and the commissioners of highways of the township of Boston shall possess the same powers, and are charged with the same duties, within the corporation limits of said village, as to the building or rebuilding and maintenance of any and all bridges across Grand River and Lake Creek, as are now required of them by law; and the township of Boston shall pay the expense of erecting and maintaining such bridge or bridges.

Streets;
private
property
used for.

Notice to
owner.

Refusal to
sell.

Sec. 32. Whenever the lands of any person shall be required to be taken for the constructing, opening, extending, widening or straightening of streets, highways, alleys, lanes, water-courses, squares, market-places and public parks, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owner, or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons refuse or neglect to treat for the same, or if the parties cannot agree therefor,

it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Boston to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summons and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered to the claimant or claimants thereof, before such street, highway, alley, lane, water-course, drain, sewer, square, market-place, or public park shall be made, opened, extended, widened or straightened. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention to do so, to the said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; upon the filing of a transcript of the

Jury to decide value of land.

Award confirmed.

When grounds to be used. etc.

Proviso.

proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

License
money.

Sec. 33. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the treasurer of said village, to be credited to the general fund.

When person
may be eligi-
ble to office.

Sec. 34. No person shall be eligible to any office in this corporation unless he shall have resided in said village six months next preceding his election, and shall be entitled to vote therein.

Public act.

Sec. 35. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 36. This act shall take immediate effect.

Approved March 4, 1869.

[No. 247.]

AN ACT to amend an act entitled "An act to incorporate the village of Howell," approved March 14, 1863, and to add thereto one new section.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, seven, and fifteen, of act number ninety-four, session laws of 1863, entitled "An act to incorporate the village of Howell," approved March 14th, 1863, be amended so as to read as follows:

Officers; how
elected.

Sec. 2. The officers of said village shall consist of a president, recorder, assessor, and five trustees, to be elected by ballot, by a plurality of votes of the qualified electors under the

constitution of this State, who have resided in said village ten days next preceding such election, and who shall hold their Term of office. terms of office from the time of their election and qualification, until the first Monday in March of the next succeeding year, and until their successors are elected and qualified. And the May be appointed by common council. common council of said village are hereby authorized and empowered to appoint all such other officers as may be necessary under the provisions of this act. The election of officers herein Time of election. provided for, from the time this section, as amended, takes effect, shall be held on the first Monday of March in each year, at such place in said village as the common council thereof may appoint for that purpose: *Provided*, That the neglect or Proviso. failure to hold such election at the time and place aforesaid, shall not be deemed to work a dissolution of said corporation; but in such case it shall be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Sec. 7. The common council shall have the power to appoint Street commissioner and treasurer appointed by common council. a street commissioner, a treasurer, (who shall also be marshal of said village, by virtue of his appointment as such treasurer,) and all such other officers as may be necessary under the provisions of this act for said village, whose elections are not herein provided for; to require of them such bonds for Bonds of. the faithful performance of their duties as they may deem necessary, and to dismiss them at pleasure. The officers so Oaths of. appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, Common council to establish laws relative to powers of officers. powers, and fees of the marshal, treasurer, assessor, and other

Relative to streets.	officers; relative to the time and manner of working upon the streets, lanes, and alleys of said village; relative to the manner
Taxes.	of assessing, levying and collecting all highway and other taxes
Nuisances.	in said village; and the common council shall have full power and authority to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and provide reservoirs for water, and to construct or provide pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the said common council shall deem necessary; to regulate the construction of private drains; to
Drains.	license all showmen, theatres, traveling concerts, or other public exhibitions wherein a fee for admittance is charged; to
Theatres.	compel all auctioneers selling goods at auction within the limits of said village, to pay a license, to be fixed by the common council; to prohibit the erection of all wooden buildings in said village within certain boundaries, to be fixed and determined by the said common council; to establish the lines upon Grand River street, and East street, beyond which buildings shall not be built or placed; to punish, by fine and imprisonment, all persons found drunk or disturbing the peace in any street, lane, alley, or other public place in said village; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets and ladders as shall be ordered by the common council; to regulate bridges within the limits of said village; to pass all necessary by-laws and ordinances to protect the said village from fires; relative to calling meetings of the electors of said village; relative to keeping and sale of gunpowder, nitro-glycerine, and all other dangerous and explosive articles, or burning fluids; relative to the restraining of swine, horses, and other animals from running at large in the streets, alleys, and other public places in said village; to regulate and establish one or more pounds in said village; to make all
Auctioneers.	
Fire limits.	
Building lines.	
Drunkards.	
Gaming.	
Fire buckets	
Bridges.	
Meeting of electors.	
Gunpowder.	
Horses.	
Pounds.	

necessary rules and regulations relative to the grading of ^{Grading streets and sidewalks.} streets, alleys, lanes, and sidewalks within the limits of said village, and to prescribe the grade on which the same shall be built, and the width and manner of building the same; to cause the streets and sidewalks within the limits of said village to be graded and properly improved; and to impose all necessary taxes and assessments for that purpose within the limits of said village in the manner provided in this act; and to suppress or regulate all billiard tables, and all other gaming tables ^{Billiard tables.} kept for hire, gain, or reward in said village; to suppress all disorderly or bad houses in such manner as shall by them be ^{Disorderly houses.} deemed expedient or necessary: *Provided always,* That such ^{Proviso.} by-laws and ordinances shall not be repugnant to the constitution of the United States or of this State: *And provided also,* ^{Ibid.} That no by-laws or ordinances of said common council shall have any effect until the same have been published one week in a newspaper printed in the county of Livingston.

Sec. 2. There shall be added to said act number ninety-four, ^{Section added.} a new section, to be numbered section thirty-five, (35,) to read as follows:

Sec. 35. The common council of the village of Howell shall ^{Common council may levy tax—} have full power and authority to levy and assess a tax sufficient to construct reservoirs for water, and to construct and provide ^{To construct reservoirs.} pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the said council shall deem necessary, and to purchase and provide all necessary hose, ^{Purchase fire-engines.} hooks and ladders, fire engines, and other articles and implements as shall be necessary to extinguish and prevent the spread of fires in said village; and shall have full power and ^{Borrow money.} authority to borrow any sum of money, not exceeding five thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for the purposes in this section mentioned, and issue all the necessary bonds and securities therefor, which ^{May issue bonds.} bonds shall be signed by the president and recorder of said

office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Resignations
of officers.

Sec. 25. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the president and trustees, subject to their approval or acceptance.

Vacancy;
how filled.

Sec. 26. If any officer, elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act shall neglect to file his oath of office as in this act directed, or shall neglect to file an official bond when the same is required, such neglect may be deemed a refusal to serve, and in case of such neglect, the president and trustees may proceed immediately to cause such office to be supplied as in case of a vacancy.

Idem.

Sec. 27. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all cases of vacancy, the same may be filled by appointment by the president and trustees for the unexpired term.

Salaries of
officers.

Sec. 28. The president and trustees shall not receive any pecuniary compensation for their services, except while acting as judges of election, and when determining what persons are elected thereat, for which services they shall be entitled to the same compensation as is or shall be allowed by law to inspectors of election in the several townships of this State; the clerk, assessor, treasurer, marshal, and all officers appointed by the president and trustees, shall be entitled to such compensation for their services as the president and trustees shall from time to time direct, by resolution entered upon their records.

Common
jail.

Sec. 29. The corporation shall be allowed the use of the common jail of the county of Ionia, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said

jail shall be under the charge of the sheriff, as in other cases:

Provided, The county shall in no manner be chargeable with Proviso. the costs and expenses of such imprisonment in civil cases.

Sec. 30. Each member of the fire department, or an engine, Firemen exempt from poll tax. hook and ladder, bucket, or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the aid and assistance of citizens to aid in extinguishing any fire.

Sec. 31. The president and trustees shall be the commis- Trustees to be street commissioners. sioners of streets and highways within the limits of the village, and shall have the same power, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, except as to the bridges across Grand River and Lake Creek, and shall appoint May appoint overseers of highways. one or more overseers of highways, streets, and alleys, and shall cause a tax to be levied and collected upon the real and Levy tax. personal property in said village, not exceeding five hundred dollars, nor less than one hundred and fifty dollars in any one year; and no other highway taxes shall be levied and collected Citizens to pay poll tax. in said village, except that every male inhabitant above the age of twenty-one years, and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section thirty of this act, and other persons who are by law exempt, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who Penalty for non-payment. shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt before any justice of the peace of the township of Boston, or of any other township in this State to which any such person shall

have removed; and the president and trustees shall cause a list to be made and delivered to the marshal on or before the second Monday of May in each year, of all persons liable to pay said poll tax; and the president and trustees shall have exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property in said village from any township tax that may be legally levied within and for the township of Boston, for the repairing, building, or rebuilding of any bridge within said township; and the commissioners of highways of the township of Boston shall possess the same powers, and are charged with the same duties, within the corporation limits of said village, as to the building or rebuilding and maintenance of any and all bridges across Grand River and Lake Creek, as are now required of them by law; and the township of Boston shall pay the expense of erecting and maintaining such bridge or bridges.

Streets;
private
property
used for.

Notice to
owner.

Refusal to
sell.

Sec. 32. Whenever the lands of any person shall be required to be taken for the constructing, opening, extending, widening or straightening of streets, highways, alleys, lanes, water-courses, squares, market-places and public parks, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owner, or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons refuse or neglect to treat for the same, or if the parties cannot agree therefor,

it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Boston to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summons and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered to the claimant or claimants thereof, before such street, highway, alley, lane, water-course, drain, sewer, square, market-place, or public park shall be made, opened, extended, widened or straightened. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention to do so, to the said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; upon the filing of a transcript of the

Jury to decide value of land.

Award confirmed.

When grounds to be used, etc. Proviso.

proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

License money.

Sec. 33. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the treasurer of said village, to be credited to the general fund.

When person may be eligible to office.

Sec. 34. No person shall be eligible to any office in this corporation unless he shall have resided in said village six months next preceding his election, and shall be entitled to vote therein.

Public act.

Sec. 35. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 36. This act shall take immediate effect.

Approved March 4, 1869.

[No. 247.]

AN ACT to amend an act entitled "An act to incorporate the village of Howell," approved March 14, 1863, and to add thereto one new section.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, seven, and fifteen, of act number ninety-four, session laws of 1863, entitled "An act to incorporate the village of Howell," approved March 14th, 1863, be amended so as to read as follows:

Officers; how elected.

Sec. 2. The officers of said village shall consist of a president, recorder, assessor, and five trustees, to be elected by ballot, by a plurality of votes of the qualified electors under the

constitution of this State, who have resided in said village ten days next preceding such election, and who shall hold their terms of office from the time of their election and qualification, until the first Monday in March of the next succeeding year, and until their successors are elected and qualified. And the common council of said village are hereby authorized and empowered to appoint all such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, from the time this section, as amended, takes effect, shall be held on the first Monday of March in each year, at such place in said village as the common council thereof may appoint for that purpose: *Provided*, That the neglect or failure to hold such election at the time and place aforesaid, shall not be deemed to work a dissolution of said corporation; but in such case it shall be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Term of office.

May be appointed by common council.

Time of election.

Proviso.

Sec. 7. The common council shall have the power to appoint a street commissioner, a treasurer, (who shall also be marshal of said village, by virtue of his appointment as such treasurer,) and all such other officers as may be necessary under the provisions of this act for said village, whose elections are not herein provided for; to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dismiss them at pleasure. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Street commissioner and treasurer appointed by common council.

Bonds of.

Oaths of.

Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessor, and other

Common council to establish laws relative to powers of officers.

Conveyance. annum from the date of said certificate, the treasurer or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the land sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple:

Proviso. *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Fees of treasurer.

Sec. 18. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to county treasurers for like services; and the expenses for the advertising of any land for sale, in pursuance of this act, shall by the treasurer, be added to such taxes respectively, as are charged upon lands delinquent for State and county taxes.

Money; how drawn.

Sec. 19. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Trustees not to become sureties or be interested in village contracts.

Sec. 20. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office, under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Sec. 21. All moneys assessed and raised for highway purposes shall be kept a fund, separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes. Highway fund; how kept.

Sec. 22. No officer, appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may require of them, and any other officer who may be elected under the provisions of this act, such security, by bond, for the performance of the duties of their respective offices as shall be deemed expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear and determine the same. Appointed officers to give bonds

Sec. 23. The marshal shall have general supervision of the village, and shall see that the laws are enforced, and by virtue of his office, shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or any building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed any breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Boston, who shall try, hear, and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases. Marshal; powers and duties of. To be chief of police. May enter gaming houses. Arrest felons. To compel aid at fires. Proviso.

Sec. 24. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from When marshal may be removed.

office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Resignations
of officers.

Sec. 25. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the president and trustees, subject to their approval or acceptance.

Vacancy;
how filled.

Sec. 26. If any officer, elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act shall neglect to file his oath of office as in this act directed, or shall neglect to file an official bond when the same is required, such neglect may be deemed a refusal to serve, and in case of such neglect, the president and trustees may proceed immediately to cause such office to be supplied as in case of a vacancy.

Idem.

Sec. 27. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all cases of vacancy, the same may be filled by appointment by the president and trustees for the unexpired term.

Salaries of
officers.

Sec. 28. The president and trustees shall not receive any pecuniary compensation for their services, except while acting as judges of election, and when determining what persons are elected thereat, for which services they shall be entitled to the same compensation as is or shall be allowed by law to inspectors of election in the several townships of this State; the clerk, assessor, treasurer, marshal, and all officers appointed by the president and trustees, shall be entitled to such compensation for their services as the president and trustees shall from time to time direct, by resolution entered upon their records.

Common
jail.

Sec. 29. The corporation shall be allowed the use of the common jail of the county of Ionia, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said

jail shall be under the charge of the sheriff, as in other cases:

Provided, The county shall in no manner be chargeable with ^{Proviso.} the costs and expenses of such imprisonment in civil cases.

Sec. 30. Each member of the fire department, or an engine, ^{Firemen exempt from poll tax.} hook and ladder, bucket, or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the aid and assistance of citizens to aid in extinguishing any fire.

Sec. 31. The president and trustees shall be the commis- ^{Trustees to be street commissioners.} sioners of streets and highways within the limits of the village, and shall have the same power, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, except as to the bridges across Grand River and Lake Creek, and shall appoint ^{May appoint overseers of highways.} one or more overseers of highways, streets, and alleys, and shall cause a tax to be levied and collected upon the real and ^{Levy tax.} personal property in said village, not exceeding five hundred dollars, nor less than one hundred and fifty dollars in any one year; and no other highway taxes shall be levied and collected ^{Citizens to pay poll tax.} in said village, except that every male inhabitant above the age of twenty-one years, and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section thirty of this act, and other persons who are by law exempt, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who ^{Penalty for non-payment.} shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt before any justice of the peace of the township of Boston, or of any other township in this State to which any such person shall

have removed; and the president and trustees shall cause a list to be made and delivered to the marshal on or before the second Monday of May in each year, of all persons liable to pay said poll tax; and the president and trustees shall have exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property in said village from any township tax that may be legally levied within and for the township of Boston, for the repairing, building, or rebuilding of any bridge within said township; and the commissioners of highways of the township of Boston shall possess the same powers, and are charged with the same duties, within the corporation limits of said village, as to the building or rebuilding and maintenance of any and all bridges across Grand River and Lake Creek, as are now required of them by law; and the township of Boston shall pay the expense of erecting and maintaining such bridge or bridges.

Streets;
private
property
used for.

Notice to
owner.

Refusal to
sell.

Sec. 32. Whenever the lands of any person shall be required to be taken for the constructing, opening, extending, widening or straightening of streets, highways, alleys, lanes, water-courses, squares, market-places and public parks, drains, or sewers within the limits of said village, the president and trustees shall give notice thereof to the owner, or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons refuse or neglect to treat for the same, or if the parties cannot agree therefor,

it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Boston to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summons and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered to the claimant or claimants thereof, before such street, highway, alley, lane, water-course, drain, sewer, square, marketplace, or public park shall be made, opened, extended, widened or straightened. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention to do so, to the said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; upon the filing of a transcript of the

Jury to decide value of land.

Award confirmed.

When grounds to be used. etc.

Proviso.

Ibid.

proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

License money.

Sec. 33. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the treasurer of said village, to be credited to the general fund.

When person may be eligible to office.

Sec. 34. No person shall be eligible to any office in this corporation unless he shall have resided in said village six months next preceding his election, and shall be entitled to vote therein.

Public act.

Sec. 35. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 36. This act shall take immediate effect.

Approved March 4, 1869.

[No. 247.]

AN ACT to amend an act entitled "An act to incorporate the village of Howell," approved March 14, 1863, and to add thereto one new section.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, seven, and fifteen, of act number ninety-four, session laws of 1863, entitled "An act to incorporate the village of Howell," approved March 14th, 1863, be amended so as to read as follows:

Officers; how elected.

Sec. 2. The officers of said village shall consist of a president, recorder, assessor, and five trustees, to be elected by ballot, by a plurality of votes of the qualified electors under the

constitution of this State, who have resided in said village ten days next preceding such election, and who shall hold their terms of office from the time of their election and qualification, until the first Monday in March of the next succeeding year, and until their successors are elected and qualified. And the common council of said village are hereby authorized and empowered to appoint all such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, from the time this section, as amended, takes effect, shall be held on the first Monday of March in each year, at such place in said village as the common council thereof may appoint for that purpose: *Provided*, That the neglect or failure to hold such election at the time and place aforesaid, shall not be deemed to work a dissolution of said corporation; but in such case it shall be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Term of office.

May be appointed by common council.

Time of election.

Proviso.

Sec. 7. The common council shall have the power to appoint a street commissioner, a treasurer, (who shall also be marshal of said village, by virtue of his appointment as such treasurer,) and all such other officers as may be necessary under the provisions of this act for said village, whose elections are not herein provided for; to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dismiss them at pleasure. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Street commissioner and treasurer appointed by common council.

Bonds of.

Oaths of.

Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessor, and other

Common council to establish laws relative to powers of officers.

Relative to streets.	officers; relative to the time and manner of working upon the streets, lanes, and alleys of said village; relative to the manner
Taxes.	of assessing, levying and collecting all highway and other taxes
Nuisances.	in said village; and the common council shall have full power and authority to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and provide
Reservoirs.	reservoirs for water, and to construct or provide pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the said common council shall deem
Drains.	necessary; to regulate the construction of private drains; to
Theatres.	license all showmen, theatres, traveling concerts, or other public exhibitions wherein a fee for admittance is charged; to
Auctioneers.	compel all auctioneers selling goods at auction within the limits of said village, to pay a license, to be fixed by the common council; to prohibit the erection of all wooden buildings
Fire limits.	in said village within certain boundaries, to be fixed and determined by the said common council; to establish the lines
Building lines.	upon Grand River street, and East street, beyond which buildings shall not be built or placed; to punish, by fine and imprisonment, all persons found drunk or disturbing the peace in
Drunkards.	any street, lane, alley, or other public place in said village; to suppress all games of chance and hazard; to compel the owners
Gaming.	of buildings to procure and keep in readiness such number of fire buckets and ladders as shall be ordered by the common
Fire buckets	council; to regulate bridges within the limits of said village; to pass all necessary by-laws and ordinances to protect the
Bridges.	said village from fires; relative to calling meetings of the electors of said village; relative to keeping and sale of gunpowder, nitro-glycerine, and all other dangerous and explosive
Meeting of electors.	articles, or burning fluids; relative to the restraining of swine, horses, and other animals from running at large in the streets,
Gunpowder.	alleys, and other public places in said village; to regulate and establish one or more pounds in said village; to make all
Horses.	
Pounds.	

necessary rules and regulations relative to the grading of ^{Grading streets and sidewalks.} streets, alleys, lanes, and sidewalks within the limits of said village, and to prescribe the grade on which the same shall be built, and the width and manner of building the same; to cause the streets and sidewalks within the limits of said village to be graded and properly improved; and to impose all necessary taxes and assessments for that purpose within the limits of said village in the manner provided in this act; and to suppress or regulate all billiard tables, and all other gaming tables ^{Billiard tables.} kept for hire, gain, or reward in said village; to suppress all disorderly or bad houses in such manner as shall by them be ^{Disorderly houses.} deemed expedient or necessary: *Provided always,* That such ^{Provided.} by-laws and ordinances shall not be repugnant to the constitution of the United States or of this State: *And provided also,* ^{Ibid.} That no by-laws or ordinances of said common council shall have any effect until the same have been published one week in a newspaper printed in the county of Livingston.

Sec. 2. There shall be added to said act number ninety-four, ^{Section added.} a new section, to be numbered section thirty-five, (35,) to read as follows:

Sec. 35. The common council of the village of Howell shall ^{Common council may levy tax—} have full power and authority to levy and assess a tax sufficient to construct reservoirs for water, and to construct and provide ^{To construct reservoirs.} pipes, pumps, and all necessary apparatus for raising the water into such reservoirs, and for conducting the same into such streets and places in said village as the said council shall deem necessary, and to purchase and provide all necessary hose, ^{Purchase. fire-engine.} hooks and ladders, fire engines, and other articles and implements as shall be necessary to extinguish and prevent the spread of fires in said village; and shall have full power and ^{Borrow money.} authority to borrow any sum of money, not exceeding five thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for the purposes in this section mentioned, and issue all the necessary bonds and securities therefor, which ^{May issue bonds.} bonds shall be signed by the president and recorder of said

village, and to levy, assess, and collect all taxes necessary to pay the interest on said bonds or securities, and the principal thereof at maturity.

Sec. 3. This act shall take immediate effect.

Approved March 4, 1869.

[No. 248.]

AN ACT to incorporate the village of Lawton.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That all those tracts of land situated in the township of Antwerp, county of Van Buren, in the State of Michigan, which are known and described as follows, to wit: Section thirty-two, (32,) and the west half of section thirty-three, (33,) and the southwest quarter of section twenty-eight, (28,) and the south half of section twenty-nine, (29,) all being in, and parts of township number three (3) south, and range thirteen (13) west, be and the same are hereby made and constituted a village corporate, by the name of the village of Lawton.*

Election of officers.

Sec. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the village election to be held on the last Monday of March, A. D. 1869, viz: One president, one recorder, one treasurer, one assessor, and six trustees. Three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the last Monday of March, there shall be elected, by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified: *Provided, That if an election of such officers shall not be made on said last Monday of March, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act.*

Terms of officers.

Provided.

Sec. 3. The president and trustees of said village shall be a ^{Body corporate and politic.} body corporate and politic, under the name of "The Common Council of the Village of Lawton," and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law or equity, and in all other places whatever; and may have a common seal, and may alter and change the same; and by the same name are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said village.

Sec. 4. The common council shall appoint annually a village ^{Appointment of officers.} marshal; and may also appoint an overseer or overseers of highways, and all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council.

Sec. 5. No person shall be elected or appointed to any office ^{Officers must be electors.} created by this act, unless at the time of such election or appointment he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

Sec. 6. All officers elected under the provisions of this act, ^{Oath of.} and all officers appointed by the common council shall, within ten days after notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, and file the same with the village recorder; and every such officer, before ^{Bonds.} he enters upon the duties of his office, and within the time limited for filing his official oath, shall file with the village recorder such security for the due performance of the duties of

his office as may be required by law or by any order of the common council, to be approved by the common council.

When to
enter upon
duties.

Term, of off-
cers elected
to fill va-
cancy.

Appointees.

Sec. 7. All officers elected or appointed in pursuance of the provisions of this act shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its terms of appointment, or until the common council revoke their appointment, or accept the resignation of such officer.

Compensa-
tion of off-
cers.

Sec. 8. The president and trustees shall each receive such compensation as shall be allowed by law to inspectors of election in the several townships of this State, for services rendered by them as inspectors of election, and when determining what persons are elected to office as provided in section eighteen, but for all other services rendered by them, they shall receive no compensation; the treasurer, recorder, assessor, and all officers appointed by the common council, shall each receive such compensation for their services as the common council shall from time to time direct, by resolution entered upon their records.

Removals
from office

Sec. 9. The common council shall have power to remove from office the marshal and any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Resignations

Sec. 10. The resignation of any officer authorized by this act to be elected or appointed, shall be made to the common council, subject to their approval or acceptance.

Removal of
officer from
corporation
vacates
office.

Sec. 11. If any officer elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or

appointed to any office under the provisions of this act, shall neglect to file their oath of office as in this act directed, or shall neglect to file an official bond when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve; and in case of such neglect, the common council may proceed immediately to cause such office to be supplied as in case of a vacancy.

Neglect to file oath and bond deemed a refusal to serve.

Sec. 12. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all other cases of vacancy, including that of the office of trustee of the village of Lawton, the same may be supplied by appointment by the common council for the unexpired term.

Vacancy; how filled.

Sec. 13. The inhabitants of said village, being electors under the constitution of the State of Michigan, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village" instead of "township," being used in the oath.

Qualified electors.

Challenge.

Sec. 14. The annual village election shall be held on the last Monday of March in each year, and special elections may be held at such times as the common council shall, by resolutions entered upon their records, designate.

Annual and special elections.

Sec. 15. Notice of the time and place of holding any election shall be given by the village recorder, five days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election, as fully as the same is set forth in the resolution appointing such election; and on the day of election held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day.

Notice of election.

Polls; when open.

Board of
inspectors.

Sec. 16. The common council of said village, or any two of its members, shall be the board of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, then any one of the trustees may act as clerk.

Manner of
conducting
elections.

Sec. 17. Elections held in pursuance of the provisions of this act, shall be conducted as nearly as may be in the same manner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided; and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State.

Inspectors;
powers of

Duties of.

Sec. 18. It shall be sufficient to keep but one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificates shall have been so filed, the common council shall convene at their usual place of meeting, and then determine what persons are elected to the several offices, respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot, which of such persons shall be considered elected.

Common
council to
determine
what persons
are elected.

Tie; how
decided.

Recorder to
notify per-
sons of their
election.

Sec. 19. It shall be the duty of the village recorder, within five days after the meeting and determination of the common council, as provided in section eighteen, to notify each person

elected, of his election; and also within five days after the common council shall appoint any person to any office, the recorder shall notify such person of such appointment.

Sec. 20. The expenses of all elections to be held as provided by this act, shall be chargeable to said village, and paid as other contingent expenses. Expenses of election; how paid.

Sec. 21. Each and all of the officers of said village, including firemen and officers of the fire department, and such other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by any ordinance of said village, or by any order or resolution of the common council. All officers of village to obey orders of common council.

Sec. 22. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be appointed by the common council, and to examine all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and, in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more policemen or watchmen, who shall be conservators of the peace, and who shall have the same power to make arrests and suppress disturbances, as is conferred by this act upon the village marshal. President; duties of. Cause village laws to be executed. Appoint policemen

Sec. 23. It shall be the duty of every trustee in said village to preside at elections when necessary, to attend the regular and special meetings of the common council, to vote upon all mo- Trustees; duties of.

tions, to act upon committees when thereunto appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

**Councilmen
not to be in-
terested in
any contract
or become
surety.**

Sec. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act.

**Recorder;
duties of.**

Sec. 25. The village recorder shall safely keep the corporate seal, and all the books, papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn.

**Record of
ordinances.**

**Record of
expenditures**

**Treasurer;
duties of.**

Sec. 26. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received, and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder, and countersigned by the president; and he shall exhibit to the common council as often, and for such periods as they may require, a full and detailed account of all receipts and ex—~~penditures~~—, and shall also, when so required, exhibit a ge—~~neral~~— showing

**Statement
to common
council.**

the financial condition of the treasury, and all other matters relating to his office.

Sec. 27. The village marshal shall be chief of the police of the village, and he shall see that the laws are enforced; it shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by law on constables elected in townships; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such person before any justice of the peace of the township of Antwerp, to be dealt with as the laws and ordinances of said village shall provide, and may apprehend and imprison any person found drunk in the streets of said village until such person shall become sober, and he shall have power to enter into any disorderly or gaming house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Marshal;
duties of.
To collect
taxes.

Apprehend
offenders.

To imprison
drunkards.

To enter
gaming
houses.

To compel
aid from
citizens.

Provido.

Sec. 28. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of Lawton, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, except by a vote of two-thirds of the members of the common council.

Common
council;
quorum.

When tax
may be or-
dered by.

Sec. 29. The common council shall meet at such times and places as it shall determine, and at such other times and places

Meetings of
common
council.

Fine officers
for non-at-
tendance.

President
pro tem.

Each mem-
ber to have
one vote.

Tie.

When re-
quired, votes
of members
recorded.

Common
council may
establish
laws relative
to streets.

Public
property.

Changing
regulations.

Preserve
peace, etc.

as the president, or in case of his absence, the president *pro tempore* shall appoint; the common council shall have power to impose, levy, and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at its meetings, and also to require the attendance of any of the officers of said village at any of its meetings, and to impose fines for non-attendance. The common council shall, at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council; and if at any meeting of the common council, neither the president or president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Sec. 30. In the proceedings of the common council each member present shall have one vote, and when there shall be a tie the president shall give the casting vote; whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding, or proposition had at any meeting, shall be entered at large in the minutes; and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing any property in said village, or the citizens of said village.

Sec. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, lanes, alleys, parks, and public grounds in said village; of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper, within said village, in relation to and for the following purposes: To prevent vice and immorality; to preserve public peace and good

order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain all disorderly houses, and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain, regulate, and suppress billiard tables and bowling alleys; to prevent and regulate the selling or giving away of any spirituous or fermented liquors; to prohibit and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking-houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal, by the marshal of the village, at the expense of the persons creating or continuing the same; to compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same, whenever the common council shall deem it necessary for the health,

Punish
vagrants,
etc.

Disorderly
houses.

Suppress
gaming.
Billiard
tables.

Auctioneers.

Peddlers.

Shows.

Violation of
the Sabbath.

Nuisances.

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Sec. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, lanes, alleys, parks, and public grounds in said village; of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper, within said village, in relation to and for the following purposes: To prevent vice and immorality; to preserve public peace and good

order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain all disorderly houses, and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain, regulate, and suppress billiard tables and bowling alleys; to prevent and regulate the selling or giving away of any spirituous or fermented liquors; to prohibit and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking-houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal, by the marshal of the village, at the expense of the persons creating or continuing the same; to compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same, whenever the common council shall deem it necessary for the health,

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Auctioneers.

Peddlers.

Shows.

Violation of
the Sabbath.

Nuisances.

Groceries,
etc.

village, and to levy, assess, and collect all taxes necessary to pay the interest on said bonds or securities, and the principal thereof at maturity.

Sec. 3. This act shall take immediate effect.

Approved March 4, 1869.

[No. 248.]

AN ACT to incorporate the village of Lawton.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That* all those tracts of land situated in the township of Antwerp, county of Van Buren, in the State of Michigan, which are known and described as follows, to wit: Section thirty-two, (32,) and the west half of section thirty-three, (33,) and the south-west quarter of section twenty-eight, (28,) and the south half of section twenty-nine, (29,) all being in, and parts of township number three (3) south, and range thirteen (13) west, be and the same are hereby made and constituted a village corporate, by the name of the village of Lawton.

Election of officers.

Sec. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the village election to be held on the last Monday of March, A. D. 1869, viz: One president, one recorder, one treasurer, one assessor, and six trustees. Three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the last Monday of March, there shall be elected, by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified: *Provided*, That if an election of such officers shall not be made on said last Monday of March, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act.

Terms of officers.

Proviso.

Sec. 3. The president and trustees of said village shall be a ^{Body corporate and politic.} body corporate and politic, under the name of "The Common Council of the Village of Lawton," and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law or equity, and in all other places whatever; and may have a common seal, and may alter and change the same; and by the same name are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said village.

Sec. 4. The common council shall appoint annually a village ^{Appointment of officers.} marshal; and may also appoint an overseer or overseers of highways, and all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council.

Sec. 5. No person shall be elected or appointed to any office ^{Officers must be electors.} created by this act, unless at the time of such election or appointment he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

Sec. 6. All officers elected under the provisions of this act, ^{Oath of.} and all officers appointed by the common council shall, within ten days after notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, and file the same with the village recorder; and every such officer, before ^{Bonds.} he enters upon the duties of his office, and within the time limited for filing his official oath, shall file with the village recorder such security for the due performance of the duties of

his office as may be required by law or by any order of the common council, to be approved by the common council.

When to
enter upon
duties.

Term, of off-
cers elected
to fill va-
cancy.

Appointees.

Sec. 7. All officers elected or appointed in pursuance of the provisions of this act shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its terms of appointment, or until the common council revoke their appointment, or accept the resignation of such officer.

Compensa-
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cers.

Sec. 8. The president and trustees shall each receive such compensation as shall be allowed by law to inspectors of election in the several townships of this State, for services rendered by them as inspectors of election, and when determining what persons are elected to office as provided in section eighteen, but for all other services rendered by them, they shall receive no compensation; the treasurer, recorder, assessor, and all officers appointed by the common council, shall each receive such compensation for their services as the common council shall from time to time direct, by resolution entered upon their records.

Removals
from office

Sec. 9. The common council shall have power to remove from office the marshal and any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Resignations

Sec. 10. The resignation of any officer authorized by this act to be elected or appointed, shall be made to the common council, subject to their approval or acceptance.

Removal of
officer from
corporation
vacates
office.

Sec. 11. If any officer elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or

appointed to any office under the provisions of this act, shall neglect to file their oath of office as in this act directed, or shall neglect to file an official bond when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve; and in case of such neglect, the common council may proceed immediately to cause such office to be supplied as in case of a vacancy.

Neglect to file oath and bond deemed a refusal to serve.

Sec. 12. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all other cases of vacancy, including that of the office of trustee of the village of Lawton, the same may be supplied by appointment by the common council for the unexpired term.

Vacancy; how filled.

Sec. 13. The inhabitants of said village, being electors under the constitution of the State of Michigan, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village" instead of "township," being used in the oath.

Qualified electors.

Challenge.

Sec. 14. The annual village election shall be held on the last Monday of March in each year, and special elections may be held at such times as the common council shall, by resolutions entered upon their records, designate.

Annual and special elections.

Sec. 15. Notice of the time and place of holding any election shall be given by the village recorder, five days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election, as fully as the same is set forth in the resolution appointing such election; and on the day of election held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day.

Notice of election.

Polls; when open.

Board of
inspectors.

Sec. 16. The common council of said village, or any two of its members, shall be the board of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, then any one of the trustees may act as clerk.

Manner of
conducting
elections.

Sec. 17. Elections held in pursuance of the provisions of this act, shall be conducted as nearly as may be in the same manner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided; and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State.

Inspectors;
powers of

Duties of.

Sec. 18. It shall be sufficient to keep but one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificates shall have been so filed, the common council shall convene at their usual place of meeting, and then determine what persons are elected to the several offices, respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot, which of such persons shall be considered elected.

Common
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what persons
are elected.

Tie; how
decided.

Recorder to
notify per-
sons of their
election.

Sec. 19. It shall be the duty of the village recorder, within five days after the meeting and determination of the common council, as provided in section eighteen, to notify each person

elected, of his election; and also within five days after the common council shall appoint any person to any office, the recorder shall notify such person of such appointment.

Sec. 20. The expenses of all elections to be held as provided by this act, shall be chargeable to said village, and paid as other contingent expenses.

Expenses of election; how paid.

Sec. 21. Each and all of the officers of said village, including firemen and officers of the fire department, and such other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by any ordinance of said village, or by any order or resolution of the common council.

All officers of village to obey orders of common council.

Sec. 22. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be appointed by the common council, and to examine all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and, in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more policemen or watchmen, who shall be conservators of the peace, and who shall have the same power to make arrests and suppress disturbances, as is conferred by this act upon the village marshal.

President; duties of.

Cause village laws to be executed.

Appoint policemen

Sec. 23. It shall be the duty of every trustee in said village to preside at elections when necessary, to attend the regular and special meetings of the common council, to vote upon all mo-

Trustees; duties of.

tions, to act upon committees when thereunto appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

Councilmen
not to be in-
terested in
any contract
or become
surety.

Sec. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act.

Recorder;
duties of.

Sec. 25. The village recorder shall safely keep the corporate seal, and all the books, papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn.

Record of
ordinances.

Record of
expenditures

Treasurer;
duties of.

Sec. 26. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received, and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder, and countersigned by the president; and he shall exhibit to the common council as often, and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement, showing

Statement
to common
council.

the financial condition of the treasury, and all other matters relating to his office.

Sec. 27. The village marshal shall be chief of the police of the village, and he shall see that the laws are enforced; it shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by law on constables elected in townships; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such person before any justice of the peace of the township of Antwerp, to be dealt with as the laws and ordinances of said village shall provide, and may apprehend and imprison any person found drunk in the streets of said village until such person shall become sober, and he shall have power to enter into any disorderly or gaming house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Marshal;
duties of.
To collect
taxes.

Apprehend
offenders.

To imprison
drunkards.

To enter
gaming
houses.

To compel
aid from
citizens.

Proviso.

Sec. 28. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of Lawton, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, except by a vote of two-thirds of the members of the common council.

Common
council;
quorum.

When tax
may be or-
dered by.

Sec. 29. The common council shall meet at such times and places as it shall determine, and at such other times and places

Meetings of
common
council.

Fine officers
for non-at-
tendance.

President
pro tem.

Each mem-
ber to have
one vote.

Tie.

When re-
quired, votes
of members
recorded.

Common
council may
establish
laws relative
to streets.

Public
property.

Changing
regulations.

Preserve
peace, etc.

as the president, or in case of his absence, the president *pro tempore* shall appoint; the common council shall have power to impose, levy, and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at its meetings, and also to require the attendance of any of the officers of said village at any of its meetings, and to impose fines for non-attendance. The common council shall, at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council; and if at any meeting of the common council, neither the president or president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Sec. 30. In the proceedings of the common council each member present shall have one vote, and when there shall be a tie the president shall give the casting vote; whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding, or proposition had at any meeting, shall be entered at large in the minutes; and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing any property in said village, or the citizens of said village.

Sec. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, lanes, alleys, parks, and public grounds in said village; of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper, within said village, in relation to and for the following purposes: To prevent vice and immorality; to preserve public peace and good

order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain all disorderly houses, and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain, regulate, and suppress billiard tables and bowling alleys; to prevent and regulate the selling or giving away of any spirituous or fermented liquors; to prohibit and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking-houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to prohibit, prevent, abate, and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal, by the marshal of the village, at the expense of the persons creating or continuing the same; to compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same, whenever the common council shall deem it necessary for the health,

Punish
vagrants,
etc.

Disorderly
houses.

Suppress
gaming.
Billiard
tables.

Auctioneers.

Peddlers.

Shows.

Violation of
the Sabbath.

Nuisances.

Groceries,
etc.

Slaughter houses.	comfort, or convenience of the inhabitants of said village; to direct the location and regulation of all slaughter-houses in said village, and to prohibit their location within said village;
Hazardous occupations.	to regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations, which the common council may deem unsightly, dangerous, or injurious in such places and parts of said village as the common
Gunpowder.	council may designate; to regulate the buying, selling, and using of gun-powder, fire-crackers and fire-works, and other
Fireworks.	combustible materials; to regulate and prohibit the exhibition of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making and lighting of fires in the streets
Sidewalks.	and other open spaces in said village; to prevent the incum-
Sewers	bering or obstructing of streets, sidewalks, cross-walks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction; to
Shade trees.	regulate and require the setting of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village,
Awnings.	and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the re-
Horse-racing	moval of the same; to provide against horse-racing, and im-
Pounds.	moderate riding or driving in any street, or over any bridge, and to punish for the same, and to authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving; to establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese, or other poultry, in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same, for the

penalty incurred, and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid; to regulate the ringing of bells, and the crying of ^{Ringings of bells.} goods, and to prevent disturbing noises, and obscene and profane language in the streets; to impose taxes on the owners or ^{Dogs.} keepers of dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction, when running at large in violation of any ordinance of said village; to provide burial places, and to regulate and pro- ^{Burial places} hibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, ^{Monuments.} property, ornaments, improvements, grounds, and fences in and around any cemetery in said village; to regulate and es- ^{Establish building lines.} tablish the line upon which buildings may be erected upon any street, lane, or alley in said village; to establish, order, and ^{Markets.} regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay, and the measuring of fire-wood; to license all drays and omnibuses, hacks, and ^{License cartmen, etc.} other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe rates of fare and charges for the same; to license persons to engage ^{Tavern keepers.} in and exercise the business or occupation of tavern-keeper, inn-holder, common victualer, and saloon-keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business, without such license; to appoint ^{Weights and measures.} a sealer of weights and measures; to establish fire districts, within which no wooden buildings shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain; to ^{Regulate party walls.} regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or

Fires, etc. promoting fires, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and

Entering private houses. for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or other device in which fire may be used or to which fire may be applied, and to remove and make the same safe at the expense of the owner or

Removal of buildings. occupants of the buildings in which the same may be; and every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand or remain, in violation of, or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed, by direction of the common council, at the expense of the owner or occupant,

Lumber yards. or persons who caused such nuisance; to prohibit the maintaining of lumber yards, the keeping, piling, and storing of fire-wood, timber, lumber, or other easily combustible material, within the limits of any fire district; to construct reservoirs wherever needed, and to provide for supplying the same with water; to build bridges, to construct sewers, drains, and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground or place in said village; to fill up, drain any low or marshy land, cleanse and regulate any grounds, yards, basins, cellars or vaults within said village, that may be sunken, damp, foul, incumbered with rubbish, or unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part

thereof, and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village. Ordinances generally.

Sec. 32. The common council shall have power to establish, maintain, and regulate all such fire engine, hook and ladder, hose, and bucket companies as may be deemed expedient, and shall provide such companies with fire engines, and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks and ladders, and other instruments and implements in its charge, in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view to the keeping of the same in perfect order and repair; and upon any alarm, or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer, or other person, for the time being, lawfully acting as chief engineer of the fire department. Fire engines, etc. Firemen. Fines. Fire apparatus. Duty of firemen at fires.

Sec. 33. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have the command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer in case of the absence or disability of the chief. Chief engineer; duties of. Assistants.

Marshal may
require aid
at fires.

Sec. 34. The marshal, and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto, as they may deem necessary.

Firemen
exempt from
poll tax and
jury service.

Sec. 35. Every person belonging to an organized fire company in said village may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said village.

Common
council may
open streets.

Sec. 36. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, and vacate and improve such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village as they shall deem necessary for the public good and

Take private
property.

convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare, by resolution, stating therein a description of the lands, premises, or property required, and the purpose for which the same are to be used, and that the common council will meet, on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her, or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said village, or in the county of Van Buren, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons

Notice of
meeting.

interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any arrangement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable of the county of Van Buren, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before any justice of the peace of the township of Antwerp, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established, vacated or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds,

Common
council to
summon
jury.

Jury to
award
damages

Payment
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owner.

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vagrants,
etc.

Disorderly
houses.

Suppress
gaming.
Billiard
tables.

Auctioneers.

Peddlers.

Shows.

Violation of
the Sabbath.

Nuisances.

Groceries,
etc.

Slaughter houses.	comfort, or convenience of the inhabitants of said village; to direct the location and regulation of all slaughter-houses in said village, and to prohibit their location within said village;
Hazardous occupations.	to regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations, which the common council may deem unsightly, dangerous, or injurious in such places and parts of said village as the common
Gunpowder.	council may designate; to regulate the buying, selling, and using of gun-powder, fire-crackers and fire-works, and other
Fireworks.	combustible materials; to regulate and prohibit the exhibition of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making and lighting of fires in the streets
Sidewalks.	and other open spaces in said village; to prevent the incum-
Sewers	bering or obstructing of streets, sidewalks, cross-walks, lanes, alleys, gutters, sewers, water-courses, bridges, and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction; to
Shade trees.	regulate and require the setting of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village,
Awnings.	and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the re-
Horse-racing	moval of the same; to provide against horse-racing, and im-
Pounds.	moderate riding or driving in any street, or over any bridge, and to punish for the same, and to authorize the arrest and detention of any person who shall be guilty of immoderate rid-
	ing or driving; to establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese, or other poultry, in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same, for the

penalty incurred, and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid; to regulate the ringing of bells, and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets; to impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction, when running at large in violation of any ordinance of said village; to provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village; to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said village; to establish, order, and regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay, and the measuring of fire-wood; to license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe rates of fare and charges for the same; to license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder, common victualer, and saloon-keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business, without such license; to appoint a sealer of weights and measures; to establish fire districts, within which no wooden buildings shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain; to regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or

Ringling of
bells.

Dogs.

Burial places

Monuments.

Establish
building
lines.

Markets.

License
cartmen, etc.

Tavern
keepers.

Weights and
measures.

Regulate
party walls.

Fires, etc. promoting fires, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and

Entering private houses. for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or other device in which fire may be used or to which fire may be applied, and to remove and make the same safe at the expense of the owner or occupants of the buildings in which the same may be; and

Removal of buildings. every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand or remain, in violation of, or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed, by direction of the common council, at the expense of the owner or occupant, or persons who caused such nuisance; to prohibit the maintaining of lumber yards, the keeping, piling, and storing of fire-wood, timber, lumber, or other easily combustible material,

Lumber yards. within the limits of any fire district; to construct reservoirs wherever needed, and to provide for supplying the same with water; to build bridges, to construct sewers, drains, and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground or place in said village; to fill up, drain any low or marshy land, cleanse and regulate any grounds, yards, basins, cellars or vaults within said village, that may be sunken, damp, foul, incumbered with rubbish, or unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part

Reservoirs.

Grading streets.

Drainage.

thereof, and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village. Ordinances generally.

Sec. 32. The common council shall have power to establish, maintain, and regulate all such fire engine, hook and ladder, hose, and bucket companies as may be deemed expedient, and shall provide such companies with fire engines, and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks and ladders, and other instruments and implements in its charge, in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view to the keeping of the same in perfect order and repair; and upon any alarm, or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer, or other person, for the time being, lawfully acting as chief engineer of the fire department. Fire engines, etc. Firemen. Fines. Fire apparatus. Duty of firemen at fires.

Sec. 33. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have the command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer in case of the absence or disability of the chief. Chief engineer; duties of. Assistants.

Marshal may
require aid
at fires.

Sec. 34. The marshal, and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto, as they may deem necessary.

Firemen
exempt from
poll tax and
jury service.

Sec. 35. Every person belonging to an organized fire company in said village may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said village.

Common
council may
open streets.

Sec. 36. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, and vacate and improve such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village as they shall deem necessary for the public good and

Take private
property.

convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare, by resolution, stating therein a description of the lands, premises, or property required, and the purpose for which the same are to be used, and that the common council will meet, on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her, or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said village, or in the county of Van Buren, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons

Notice of
meeting.

interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any arrangement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable of the county of Van Buren, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before any justice of the peace of the township of Antwerp, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established, vacated or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds,

Common
council to
summon
jury.

Jury to
award
damages

Payment
tendered to
owner.

When dam-
ages are not
awarded
claimants to
pay costs.

Proviso.

premises or property, to be immediately converted to and for the use and purposes aforesaid : *Provided*, The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Van Buren, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supercedeas, injunction, or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing, vacating, altering, straightening, widening, or extending such street, lane, alley, square, water-course, market place or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Ibid.

Common council may cause highways to be surveyed.

Book of "Street Records" to be made.

Sec. 37. The common council is authorized to cause such of the streets, highways, alleys and lanes in said village, as shall have been used for six years or more prior to the passage of this act, as public highways, streets, lanes or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described, and recorded in the office of the village recorder, in a book to be denominated the book of "street records;" and the common council shall cause a survey or description and plat of every public ground, highway, park, street, lane and alley, or part

thereof, which shall hereafter be opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "street records;" and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley, or of that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane or alley, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

Sec. 38. The common council shall have power to assess and levy, at any time, by a special tax, the expenses of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curb-stones and culverts therein; of grading, paving or planking and repairing sidewalks; of draining low lands; of making drains and sewers, and other local improvements upon the lots, premises and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers, and other improvements, and upon other lots and premises which, in the opinion of the common council, are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, which shall be exclusive of, and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

May levy taxes for grading streets.

May direct mode of collecting.

Sec. 39. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of June in each year, determine by resolution the

Expenses and liabilities of village; how paid.

Proviso.

amount of taxes necessary to be levied for said purposes, during the year: *Provided*, That the taxes so determined to be levied shall not exceed, in any one year, the sum of five hundred dollars, unless the qualified electors of said village shall determine, at the annual village election, to increase that amount by a majority vote of all the qualified electors, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, which amount, so determined to be levied, shall not exceed five hundred dollars, (\$500); and every tax lawfully imposed by the common council upon any lands, tenements and hereditaments in said village, shall be and remain a lien upon such lands, tenements and hereditaments, until the same shall be paid.

Poll tax.

Sec. 40. The common council shall have power to assess and collect from every male inhabitant of said village, being over the age of twenty-one and under fifty years, (except paupers, idiots and lunatics, and other persons who are by law exempt,) an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection or commutation of the same.

Assessment roll; when made.

Sec. 41. The assessor of said village shall once in each year, between the second Monday of April and the second Monday of May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and the name of all persons liable to pay a capitation or poll tax, as provided for in this act; and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be so made and completed, the assessor shall immediately give notice thereof, by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village ten days next previous to the time for review therein stated; and such notice shall give the time when and the place

Notice of time to review

where he will be and have said roll for inspection and review; at the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation, on sufficient cause being shown on oath to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized to reduce such valuation; and the common council may at any time before the tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall complete and deliver said assessment roll to the village recorder, on or before the first day of June in each year.

Corrections.

Right of appeal from decision of assessor.

Sec. 42. It shall be the duty of the common council, once in each year, and immediately after the assessor shall have delivered said assessment roll to the recorder, as provided in section forty-two, to estimate and cause to be set down, in a column opposite to the several sums therein set down as the value of real and personal estate, the respective sums in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself; any special tax or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself, opposite the proper description; any poll tax or tax upon the owners or keepers of dogs, authorized by this act, may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes; the common council shall cause a copy of said roll, when completed as aforesaid, to be made, and shall annex to such copy a warrant, under the hands of the president and recorder, commanding the marshal to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite

Contents of assessment roll.

Warrant attached and delivered to marshal.

their respective names, on or before the day specified in such warrant, and directing him to pay such money when collected, to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the common council may deem best.

Marshal to
collect tax.

Distress and
sale.

Sec. 43. The marshal upon receiving the said copy of tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, wherever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the revised statutes of this State.

Return
of unpaid
taxes.

Sec. 44. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor upon diligent inquiry, to discover any goods or chattels, subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village, within five days thereafter.

Sec. 45. The recorder, after such statement and copy of roll shall have been delivered to him, shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands, returned in said statement on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council, to cover the expenses of such sale, first giving at least thirty days' notice of the time and place of sale, by advertisement, posted up in three of the most public places in said village, which advertisement shall contain a description of the land, and the name of the owner, if known, and the amount of taxes and expenses, for non-payment of which it is to be sold, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, once in each week, for four successive weeks preceding said sale. On the day mentioned in said notice, the recorder shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for said taxes and expenses the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect in all respects, as if the same had been given to any other purchaser therefor; upon the completion of said sale, the recorder shall deliver to the treasurer of said village a certified statement thereof, containing a description of the land sold, the date of sale, the particular tax, and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer, in

Recorder to
sell lands for
taxes.

Notice of
sale; con-
tents of.

Certificate of
purchase.

Proviso.

Recorder
to deliver
statement to
treasurer.

a book to be provided and kept by him for that purpose; and all moneys received upon such sales, he shall, at the same time, deliver to said treasurer.

When lands
may be re-
deemed.

Sec. 46. Any person claiming any of the lands sold, as aforesaid, or any interest therein, may at any time within one year next succeeding the day of sale, redeem any such land or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent. per annum, from the date of sale, for the use of the purchaser; but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment, a certificate of the redemption thereof.

Conveyance.

Sec. 47. Upon the presentation of any such certificate of sale to the recorder of said village, after the expiration of the time for the redemption of the lands sold, as aforesaid, he shall, unless such lands have been redeemed as aforesaid, or the certificate of sale canceled, as hereinafter provided, execute to the purchaser or purchasers, his, her or their heirs, assigns, executors or administrators a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made, an estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessor, to the date of the deed inclusive; and every such conveyance, executed by the recorder, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in all the courts of this State, in the same manner, and with like effect as any other

Conveyance
used as
evidence.

Certificate of
sale; when
common
council may
cancel.

conveyance of real estate, or any interest therein; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned wrongfully for non-payment, by mistake or

otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money.

Sec. 48. Any of the justices of the peace of the township of Antwerp are hereby authorized and empowered to inquire of, ^{Justices of the peace; powers of.} hear, try, and determine in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justices shall have power to hear, try, and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties and forfeitures, for alleged violations or infringement of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to some other court. The proceedings in all such actions and prosecutions shall be according to and be governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Sec. 49. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any ^{Proceedings in justice trial.} offense or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and ^{Right of appeal.} *certiorari* from the justices court to the circuit court for the county of VanBuren, shall be allowed to the parties on the same terms, and the same bond shall be given as is or may be required by law in any cases of *certiorari* or appeals from justices' courts in other cases.

Sec. 50. Whenever a conviction is had, or a judgment rendered for any fine, penalty or forfeiture, for a violation of this ^{When execution may issue.} act, or of any by-law or ordinance of said village, it shall be with costs of suit, and execution therefor may be issued imme-

diately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to prison, if it be so adjudged and according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of any such justice, he shall issue the necessary process to carry such judgment into effect.

Fines.

Justice may
sentence to
jail.

Sec. 51. The common council shall have power to impose fines, penalties and forfeitures, not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof; and the several justices of the peace of said township of Antwerp, shall have power in all cases where, by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of VanBuren; and it is hereby made the duty of the keeper of said county jail to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction:

Further
powers of
common
council.

Sec. 52. Whenever, by the provisions of this act, any power or authority is given, or duty imposed upon the common council, the common council may enact such ordinances and establish such rules and regulations as may be necessary to carry into effect such powers and authority, and regulate the performance of such duty.

Suits, etc.,
for violation
of ordi-
nances; how
brought.

Sec. 53. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty, or forfeiture for such violation, shall be brought in the name of "the people of the State of Michigan;" and in any such suit or prosecution it shall not be necessary to set forth in the

complaint or warrant the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation, or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of Lawton, referring thereto by its title. And all process issued by any justice of the peace, in any such suit or proceeding, shall be directed "to the marshal of the village of Lawton, or to any constable of the county of VanBuren," and the same may be executed within the county of VanBuren. Process; how directed

Sec. 54. The style of all ordinances shall be: "The Common Council of the Village of Lawton ordain." The time when any by-law or ordinance, passed by the common council, shall take effect, shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published two weeks successively in a newspaper printed and published in said village, or by written or printed notices posted up in three of the most public places in said village; and like notices shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution and laws of the United States, or of this State. Style of ordinances. Proviso. Ibid.

Sec. 55. All fines, penalties, and forfeitures recovered for any violation of the provisions of this act, or of the by-laws and ordinances made in pursuance thereof, and all money received for license, or from other sources, belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any person who shall refuse or neglect to pay the same, as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or Fines and penalties; to whom paid. Neglect to pay.

by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Villagers
competent
as jurors.

Sec. 56. In suits or proceedings in which the common council of the village of Lawton shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Proviso.

Annual
statement of
receipts and
expenditures

Sec. 57. The common council shall, in the month of February in each year, cause to be made and published a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year; previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it not previously audited, and shall make out, in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on streets, the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Contents.

Accounts
verified.

Sec. 58. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates, in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Sec. 59. The common council of said village may borrow, Money borrowed for cemetery for the time being, in anticipation of receipts from the general village taxes, and particularly in anticipation of receipts from the sale of cemetery lots, as hereinafter in this section provided, such sums as they may deem necessary, not exceeding ten hundred dollars, for the purpose of purchasing land for a village cemetery, and may issue the bonds of the village therefor, which Bonds. bonds shall be signed by the president and recorder of said village, which bonds shall be so drawn that no greater amount than two hundred dollars of the principal thereof, exclusive of interest, shall become due in any one year; and the bonds so Cemetery fund. issued, and the money so borrowed, shall be a separate and distinct fund, to be known as the "cemetery fund;" and the common council are hereby authorized and empowered to locate, either within or without the limits of said village, and purchase with said fund for such purpose, a tract of land not exceeding twenty acres, which shall be conveyed to said common council; and the common council are hereby authorized Map of grounds. and empowered to have the management, control and supervision of any such ground so purchased by them, and shall cause the same to be properly surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered thereon, and also their size, situation and extent, with the width, extent, and location of all the streets, alleys or walks in such grounds, which maps shall be certified by said council to be correct maps of the cemetery ground of said village; one of said maps shall be filed in the office of the recorder of said village, and one in the office of the register of deeds of the county in which such ground is situated; and the common council may contract, sell, and convey the lots in said ground, and the proceeds thereof shall be Common council may dispose of proceeds of lots for— appropriated for the following purposes, in the order mentioned:

First. To defray the expenses of said survey and maps. Defraying expenses.

Second. For fencing around said ground, and for making such other improvements as the common council may deem Fencing grounds.

necessary and important should be done, without any further delay; such improvement to be discretionary with the common council.

To pay for
grounds.

Third. To pay for said ground, or to redeem, pay, and cancel any bonds of the village that may have been issued in payment for said ground.

To improve
cemetery.

Fourth. To improve, ornament and beautify said ground, and the appurtenances thereto belonging, and for such other purposes, relating to said cemetery, as the council may deem best.

Moneys to be
paid to vil-
lage treasurer

All moneys received for lots sold, or in any way accruing to the credit of said fund, shall be immediately paid by the person receiving the same, to the treasurer of said village; and it shall be the duty of such treasurer to keep in a proper book, a separate and distinct account with said cemetery fund, charging thereto all moneys which the council may advance and appropriate to the use of said cemetery ground, out of the general funds of the village, and crediting thereto all moneys received by him, belonging to said fund; the common council may set off a part of said ground as a potter's field, and under proper regulations, permit the dead to be buried therein; the common council may also appoint a sexton to take the charge of and watch over such ground, who, by virtue of such appointment, shall have the powers of a village policemen, and may arrest, without process, any person found violating any ordinance or by-law of said village, relating to said ground, the property and appurtenances thereto belonging; and the common council are hereby authorized and empowered to enact all such ordinances and by-laws as they may deem necessary for the protection and preservation of the monuments, tombstones, bridges, trees, shrubbery, property, ornaments and improvements therein, and the grounds thereof, and the fences in and around the same, and for the orderly conduct and good government thereof.

Money bor-
rowed for
fire-engines.

Sec. 60. The common council of said village may borrow, for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing

a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That Proviso. the council shall not borrow to exceed five hundred dollars, for the purpose of buying a fire engine, and other necessary apparatus: *And provided further*, That no greater amount than two hundred dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year. Ibid.

Sec. 61. The inhabitants of said village shall be liable to the Liability of inhabitants. operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating, and constructing streets and highways, and the labor to be performed thereon, within the limits thereof.

Sec. 62. The first election of officers provided for in this act, First election; when and where held. shall be held at Powell's Hall, in said village, on the last Monday of March, A. D. 1869, and annually thereafter, at such place in said village as the common council thereof may appoint for that purpose. At the said election three or more of Board of inspectors. the present trustees, the clerk, or some one chosen by the trustees in his stead, of the village of Lawton, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof.

Sec. 63. The act of incorporation of the village of Lawton, Incorporat'n act annulled by the board of supervisors of the county of VanBuren, is hereby annulled and repealed: *Provided*, This act shall not be Proviso. construed so as to invalidate any ordinance or by-law now in force in the village of Lawton, and passed pursuant to the act of incorporation thereof, and the laws of Michigan.

Sec. 64. This act shall be favorably construed and received Public act. in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 65. This act shall take immediate effect.

Approved March 4, 1869.

[No. 249.]

AN ACT to legalize certain taxes of the townships of Zeeland, Blendon, Georgetown, and Jamestown, in the county of Ottawa, for the year 1868.

Tax rolls
legalized.

SECTION 1. *The People of the State of Michigan enact, That* the taxes levied for the year A. D. 1868, in the townships of Zeeland, Blendon, Georgetown, and Jamestown, in the county of Ottawa, upon certain swamp lands situated in said townships, that have not been patented by the State of Michigan, as set forth in the tax rolls of said townships for said year, be and the same are hereby declared to be as valid as though the patents for said land had been duly issued to the parties legally entitled thereto, and said taxes shall be collected and returned in the same manner as other taxes are collected and returned.

Return
of unpaid
taxes.

Sec. 2. On said taxes being reported by the county treasurer to the Commissioner of the State Land Office as unpaid, said Commissioner shall charge them against said lands respectively, and require payment thereof before patents for said lands are issued; and the taxes so paid shall be returned to the treasurer of Ottawa county, to be placed to the credit of the drainage fund of said county.

Sec. 3. This act shall take immediate effect.

Approved March 4, 1869.

[No. 250.]

AN ACT to amend sections two, twelve, and twenty-two, of act No. 519, of the session laws of 1867, entitled "An act to incorporate the village of Paw Paw."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections two, twelve, and twenty-two, of act 519, of the session laws of 1867, entitled "An act to incorporate the village of Paw Paw," be amended so as to read as follows:

Sections;
time and
place of.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution, shall meet at the court house, or other place designated by the board of trus-

tees, in said village, on the first Monday of March, 1869, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect, by ballot, from the qualified electors residing in said village, five trustees, two assessors, one president, one recorder, and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Sec. 12. The president and trustees shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act, for said village, whose elections are not provided for in this act; to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets, lanes, and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the board of trustees shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen, hawkers and peddlers and auctioneers; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the board of trustees; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; to establish fire limits, within which no wooden building shall be built, enlarged or placed; relative to calling of meetings of the electors of said village; to prescribe the setting of posts and shade

Term of office.
Proviso.

Board of trustees may establish laws relative to duties of officers.

Relative to streets.

Highway taxes.
Nuisances.

Reservoirs.

Showmen.

Fire buckets.

Fire limits.

Meeting of electors.

Sidewalks. trees; to provide for the construction of sidewalks, and repair-
 Gunpowder. ing the same; relative to the keeping and sale of gunpowder
 in said village; relative to the restraining of swine, horses, and
 other animals from running at large in the streets, lanes, and
 alleys, and other public places in said village; to regulate and
 Pounds. establish one or more pounds for said village; to suppress bil-
 Gaming. liard tables, and all other gaming tables kept for hire, gain, or
 reward in said village; to establish lines upon which buildings
 Building may be erected, and beyond which such buildings shall not ex-
 lines. tend;
 Police. to employ one or more policemen, and define their duties,
 Disorderly and also full power and authority to make all such by-laws and
 houses. ordinances as may be deemed by the board of trustees ex-
 pedient or necessary for the preventing and suppressing all
 disorderly and bad houses: *Provided always*, Such by-laws
 Provision. shall not be repugnant to the constitution and laws of the United
 States and of the State of Michigan: *And provided also*, That
 no by-laws or ordinances of said corporation shall have effect
 until the same shall have been published two weeks successively
 in a newspaper printed in said county of VanBuren, or by
 written notices posted up in three of the most public places in
 said village.

Assessment
roll.

Review of.

Right of
appeal.

Sec. 22. Within twenty days after the assessors shall have
 qualified, they shall make and complete an assessment of the
 taxable property of said village, and when having completed
 their assessment roll and valuation of the property, real and
 personal, in said village, it shall be their duty to give six days'
 notice thereof, by posting up the same in three of the most
 public places in said village, stating the place where the said
 roll is left for the inspection of all persons interested, and of
 the time when, and the place where they will meet to hear the
 objections of any persons interested, to the valuation as made
 by them; and at the time so appointed the assessors shall
 meet, and on the application of any person considering himself
 or themselves aggrieved by the final decision of the said asses-
 sors, they shall have the right of appealing from such decision
 of the assessors at any time within five days thereafter, to the

board of trustees, who are in like manner hereby authorized, upon sufficient cause being shown as aforesaid, to reduce said valuation.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1869.

[No. 251.]

AN ACT to amend an act entitled "An act to incorporate the village of Albion," approved February ninth, eighteen hundred and fifty-five, and the acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended.} an act entitled "An act to incorporate the village of Albion," approved February ninth, eighteen hundred and fifty-five, and the acts amendatory thereto, are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} so much of the townships of Albion and Sheridan, in the county of Calhoun, as is included in the following descriptions of land, to wit: The south half of section thirty-five, the south-east quarter and the east half of the south-west quarter of section thirty-four, in the township of Sheridan, and section two, the east half of section three, also the east half of the north-west quarter and the east half of the south-west quarter of section three, in the township of Albion, be and the same is hereby constituted a village corporate, under the name of the village of Albion; and that the same shall be exempt from all taxes hereafter levied by the township authorities of the townships of Albion and Sheridan, for the purpose of building and repairing bridges, and opening and improving highways, outside the corporate limits of said village, and within the said townships respectively.

Sec. 2. The officers of said village shall consist of a presi- ^{Officers.} dent, recorder, treasurer, marshal, eight trustees, and two assessors. The president and trustees shall constitute the

common council of said village; and the common council of said village are hereby authorized to appoint such other officers as may be necessary under the provisions of this act. The officers hereinbefore expressly named shall be elected (except the filling of vacancies as hereinafter provided) by a plurality of votes, by the inhabitants of said village having the qualifications of electors under the constitution of this State.

Elections;
when held.

Sec. 3. The electors of said village shall meet at such time and place as shall be designated by the common council, on the second Monday of March of each year, and there, by ballot, shall elect by a plurality of votes, one person who is an inhabitant of said village, as hereinafter provided, and a qualified elector thereof, to be president of said village, and one person of like qualifications shall in like manner be elected recorder, one person as aforesaid shall be elected treasurer, one person as aforesaid shall be elected marshal, four persons as aforesaid shall be elected trustees, and two persons as aforesaid shall be elected assessors. If two or more persons shall have an equal number of votes for the same office, the election board shall determine, by lot, which shall be elected. The trustees shall each of them hold their offices for two years. All other officers herein specifically provided for, shall be elected annually. The trustees heretofore elected in pursuance of the provisions of the act to which this act is amendatory, shall continue to hold their offices for and during the time for which they were respectively elected. At the annual election in said village on the second Monday of March, eighteen hundred and sixty-nine, there shall be elected five trustees, one of whom shall hold his office for one year, and four of whom shall hold their office for two years; and at such election the electors shall so designate such persons on their ballots. But if an election of officers shall not be made in any year, on the day when, pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed hereinafter for the holding of the regular election.

Tie; how
decided.

Term of
office.

Failure to
hold election
not to dis-
solve corpo-
ration.

Sec. 4. A majority of the common council shall constitute a ^{Quorum.} quorum for the transaction of business, and a less number may adjourn from time to time.

Sec. 5. The president shall be the chief executive officer of ^{President; duties of.} the village; he shall preside at all meetings of the common council, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of ^{President pro tem.} his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers, and perform all the duties of the president; and in case of the death or removal of any of the officers otherwise specifically named in this act during the time for which they were elected, the common council shall have power to fill such vacancy, by the appointment of some other person or persons possessing the qualifications hereinbefore named: *Pro-* ^{Proviso.} *vided*, Such vacancy occurs six months or more prior to the annual election; but in case of the death or removal of a trustee, the term of such appointment shall not extend beyond the next annual election, at which time such vacancy, if not then expired, shall be filled by election, as provided for the election of other trustees; and in case of the death, removal, or resignation of any elective officer, less than six months prior to the annual election, such vacancy shall be filled at a special election called by the common council for that purpose; and all special elections provided for in this act shall be noticed and conducted in the same manner as the annual election.

Sec. 6. The common council of said village shall be a body ^{Body corporate and politic.} politic and corporate, with the same powers as township boards and commissioners of highways of townships, under the general laws of the State of Michigan, in addition to the special powers granted by this act, and may have a common seal, which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, prosecute, defend, and be defended in any court of competent jurisdiction; but when

by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Villagers
competent
as jurors.

Sec. 56. In suits or proceedings in which the common council of the village of Lawton shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Proviso.

Annual
statement of
receipts and
expenditures

Sec. 57. The common council shall, in the month of February in each year, cause to be made and published a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year; previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it not previously audited, and shall make out, in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on streets, the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Contents.

Accounts
verified.

Sec. 58. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates, in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Sec. 59. The common council of said village may borrow, Money borrowed for cemetery for the time being, in anticipation of receipts from the general village taxes, and particularly in anticipation of receipts from the sale of cemetery lots, as hereinafter in this section provided, such sums as they may deem necessary, not exceeding ten hundred dollars, for the purpose of purchasing land for a village cemetery, and may issue the bonds of the village therefor, which Bonds. bonds shall be signed by the president and recorder of said village, which bonds shall be so drawn that no greater amount than two hundred dollars of the principal thereof, exclusive of interest, shall become due in any one year; and the bonds so Cemetery fund. issued, and the money so borrowed, shall be a separate and distinct fund, to be known as the "cemetery fund;" and the common council are hereby authorized and empowered to locate, either within or without the limits of said village, and purchase with said fund for such purpose, a tract of land not exceeding twenty acres, which shall be conveyed to said common council; and the common council are hereby authorized Map of grounds. and empowered to have the management, control and supervision of any such ground so purchased by them, and shall cause the same to be properly surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered thereon, and also their size, situation and extent, with the width, extent, and location of all the streets, alleys or walks in such grounds, which maps shall be certified by said council to be correct maps of the cemetery ground of said village; one of said maps shall be filed in the office of the recorder of said village, and one in the office of the register of deeds of the county in which such ground is situated; and the common council may contract, sell, and convey the lots in said ground, and the proceeds thereof shall be Common council may dispose of proceeds of lots for— appropriated for the following purposes, in the order mentioned:

First. To defray the expenses of said survey and maps.

Defraying expenses.

Second. For fencing around said ground, and for making such other improvements as the common council may deem

Fencing grounds.

necessary and important should be done, without any further delay; such improvement to be discretionary with the common council.

To pay for
grounds.

Third. To pay for said ground, or to redeem, pay, and cancel any bonds of the village that may have been issued in payment for said ground.

To improve
cemetery.

Fourth. To improve, ornament and beautify said ground, and the appurtenances thereto belonging, and for such other purposes, relating to said cemetery, as the council may deem best.

Moneys to be
paid to vil-
lage treasurer

All moneys received for lots sold, or in any way accruing to the credit of said fund, shall be immediately paid by the person receiving the same, to the treasurer of said village; and it shall be the duty of such treasurer to keep in a proper book, a separate and distinct account with said cemetery fund, charging thereto all moneys which the council may advance and appropriate to the use of said cemetery ground, out of the general funds of the village, and crediting thereto all moneys received

Potter's field

by him, belonging to said fund; the common council may set off a part of said ground as a potter's field, and under proper regulations, permit the dead to be buried therein; the common council may also appoint a sexton to take the charge of and watch over such ground, who, by virtue of such appointment, shall have the powers of a village policemen, and may arrest, without process, any person found violating any ordinance or by-law of said village, relating to said ground, the property and appurtenances thereto belonging; and the common council are hereby authorized and empowered to enact all such ordinances and by-laws as they may deem necessary for the protection and preservation of the monuments, tombstones, bridges, trees, shrubbery, property, ornaments and improvements therein, and the grounds thereof, and the fences in and around the same, and for the orderly conduct and good government thereof.

Sexton;
powers of.

Money bor-
rowed for
fire-engines.

Sec. 60. The common council of said village may borrow, for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing

a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That Proviso. the council shall not borrow to exceed five hundred dollars, for the purpose of buying a fire engine, and other necessary apparatus: *And provided further*, That no greater amount than two hundred dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year. Ibid.

Sec. 61. The inhabitants of said village shall be liable to the Liability of inhabitants. operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating, and constructing streets and highways, and the labor to be performed thereon, within the limits thereof.

Sec. 62. The first election of officers provided for in this act, First election; when and where held. shall be held at Powell's Hall, in said village, on the last Monday of March, A. D. 1869, and annually thereafter, at such place in said village as the common council thereof may appoint for that purpose. At the said election three or more of Board of inspectors. the present trustees, the clerk, or some one chosen by the trustees in his stead, of the village of Lawton, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof.

Sec. 63. The act of incorporation of the village of Lawton, Incorporat'n act annulled by the board of supervisors of the county of VanBuren, is hereby annulled and repealed: *Provided*, This act shall not be Proviso. construed so as to invalidate any ordinance or by-law now in force in the village of Lawton, and passed pursuant to the act of incorporation thereof, and the laws of Michigan.

Sec. 64. This act shall be favorably construed and received Public act. in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 65. This act shall take immediate effect.

Approved March 4, 1869.

motion, under such penalties as the said common council may prescribe; to regulate and tax theatres, shows, and concerts; to regulate and tax at their discretion, auctioneers, auction sales, and gift enterprises, hawkers, hucksters, peddlers, and pawn-brokers; to provide for removing drift-wood and clearing the Kalamazoo river, and all mill races and ponds within the limits of said corporation, and to prevent or punish, by fine and imprisonment, the placing therein of any filthy or impure matter tending to render the water thereof unwholesome; to regulate or prohibit the erection and use of slaughter houses within the limits of said village; to rail and curb, when deemed by them necessary, all sidewalks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of said village to the extent hereinbefore and hereinafter authorized, but no property belonging to the village in its corporate capacity, or to the townships of Albion and Sheridan, [in] the county of Calhoun, State of Michigan, or to any religious or church organization, or appropriated for educational purposes, within the corporate limits of said village, shall be taxed for any purpose whatever named in this act; to take the land of any individual for the purpose of opening, widening, or extending streets or alleys, but not until the necessity for the taking thereof for the use and benefit of the public shall be determined, and said individual shall be paid therefor, together with the buildings thereon, as provided for in this act; and shall divide the village into four or more street or highway districts, and appoint a highway or street commissioner in each of said districts, who shall be a resident of the district for which he is appointed; for the violation of any by-laws, rules, and regulations herein authorized to be established by the said common council, such reasonable penalties and fines as are not herein specified or provided for, may be imposed by the law itself as the common council may deem proper; and when any fine shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Albion or Sheridan, and any interest that the in-

Theatres.

Auctioneers.

Mill-races.

Slaughter houses.

Taxes on personal and real estate.

Opening streets.

Highway commissioners.

Penalties and fines.

habitants of the village [of Albion,] as a corporate body, may have in the fine to be recovered, shall not disqualify any inhabitant of said village to try said cause, to be a witness, or serve as a juror; and the circuit court of the county of Calhoun shall also have jurisdiction over all fines and penalties imposed by virtue of, and all offenses described in said by-laws.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for general village purposes, and for opening, widening, extending, paving, grading, planking, or repairing a street or alley, making and repairing sidewalks, or for the construction and repairing of sewers, shall be and remain a lien upon said real estate, until paid.

Taxes to remain a lien on real estate.

Sec. 9. The common council shall have power to levy, assess and collect a tax for general purposes, upon the real and personal property in said village, not exceeding in any one year three-fourths of one per cent. of the assessed valuation of the real and personal property thereof; and the money so levied, assessed and collected, and all moneys collected for fines, and taxes on auctioneers, and other avocations, authorized to be imposed by the provisions of this act, shall be denominated the "general fund;" and may also assess, levy, and collect in each and every street or highway district, a district tax for highway or street purposes in each and every year, not exceeding the rate of three-fourths of one per cent. of the assessed valuation of the real estate and personal property in each of said districts, and the amounts so levied, assessed and collected for highway or street purposes, shall be expended in the respective districts where the same is collected; and all moneys so collected shall be paid into the treasury of said village.

Further powers of common council.

General fund

Limit to taxes.

Money to be paid into village treasury

Sec. 10. The common council shall have power and authority to levy, assess, and collect annually, a poll tax upon every qualified elector of said village under the age of fifty years, not exceeding one dollar, except as hereinafter provided, and such poll tax shall become and be included in the moneys to be expended for highway purposes in the highway or street district in which such elector resides.

Poll tax; how expended

Salaries of
village offi-
cers; how
paid.

Sec. 11. The payment for the construction and repairs of all bridges within the corporate limits of said village, of sidewalk crossings of streets and alleys, of pavement crossings of streets and alleys, and of sewer crossings of streets and alleys, and also for payment of all officers, for fire engines, hose, cisterns, and reservoirs for water, buildings and real estate, watchmen, police force, and all other expenses of a general nature, (except the compensation awarded to the street commissioners of the respective street or highway districts,) shall be paid out of the general fund of said village.

Money; how
drawn.

Sec. 12. No money shall be draw from the treasury, except by appropriation of the common council; and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the particular fund from which it is to be paid, and shall be signed by the recorder and countersigned by the president.

Highway
fund; how
kept.

Sec. 13. All money assessed, levied, and collected for highway purposes in the several highway or street districts, shall be kept as separate and distinct funds, and no money shall be appropriated or paid from such funds, except for the purposes for which the same were collected.

Common
council may
borrow
money.

Sec. 14. The common council shall have power to borrow any sum of money, or contract any indebtedness for public improvements in said village not exceeding one thousand dollars in any one year, and not at a greater rate of interest than eight per cent. per annum, and to fix the time and place of payment of principal and interest, and to issue the bonds, or other evidences of indebtedness of said village, for the payment of the same. But a greater sum may be borrowed in any one year, at the rate of interest above named: *Provided*, The question of raising such greater sum shall first be submitted to the electors of said village, at its annual election, or at a special election called for that purpose by the common council: *Provided*, Two-thirds of the qualified electors thereof, voting at such election, shall vote, by ballot, for such loan.

May issue
bonds.

Proviso.

Ibid.

Sec. 15. The assessors of said village shall, once in each year, and before the second Monday of April, make an assessment roll, containing a description of all the real estate (not exempt from taxation by the provisions of this act) and personal property in said village, and the name of the owner or occupant thereof, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value, and deliver the same to the president of said village.

Assessment
roll; when
made.

Sec. 16. It shall be the duty of the common council, once in each and every year, and within five days after the assessors have assessed the real and personal estate lying and being in said village, and delivered the assessment roll to the president of said village, (and before any tax shall be levied thereon,) to give ten days notice, by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and assessors, that any person or persons deeming themselves aggrieved, may be heard; and the roll may then be altered, if it shall appear that any person has been wrongfully assessed. After the expiration of the said ten days, and of the day or days for the reviewing of the said assessment roll, the common council shall immediately proceed to estimate, apportion and set down, in columns left for those purposes, opposite to the names of the several persons and property therein named, the respective sums in dollars and cents, to be paid as a tax or assessment on said persons and property, for general village purposes, for highway or district street purposes, and as a poll tax, and special tax, and shall cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of the president, seal of the village, and attested by the recorder, directing and requiring the said marshal to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names, as taxes or assessments, and authorize him, in case any of them shall refuse or neglect to pay such sums, to levy the

Reviewing
of; notice of
time and
place for.

Corrections.

Contents of
assessment
roll.

Delivered to
marshal
with warrant
attached

Distress and
sale.

same by distress of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of such warrant, and specifying therein the particular fund or funds on account of which said moneys so collected are to be applied, and said warrant may be renewed from time to time as the common council may deem best; and when any assessment shall be made, or tax levied for any special improvement or purpose named in this act, it shall be legal, even if it is not made at the time of making the aforesaid annual list, notice being given of the review of said assessment as hereinbefore provided; and a warrant may be issued as aforesaid, to be delivered to the marshal to collect the tax so levied and assessed for any special purpose named in this act, requiring the said marshal to collect the respective sums of the persons named in said warrant, in like manner and time as is herein required for the collection of the annual tax.

Warrant renewed.

When assessment is not made at time of making annual list.

Tax; neglect to pay.

Marshal to collect.

Surplus.

Marshal; fees of.

Bond of

Sec. 17. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sec. 18. The marshal shall receive such fees for the collection of all general or special taxes levied and assessed, as the common council shall ordain or establish, but such fees shall not exceed four per cent. of the amount so collected, except as provided for in section seventeen (17) of this act.

Sec. 19. The marshal shall be required, before any tax or assessment roll shall be delivered to him for collection, to make and deliver to the recorder, his bond with two sureties,

to be approved by the common council, conditioned for the performance of his duties, and the payment of all moneys so collected by him to be paid to the treasurer as required in any warrant delivered to him during his continuance in office as said marshal, which bond may be required to be renewed at any time by the common council. Bond renewed.

Sec. 20. The tax upon real estate, levied and assessed for the purposes named in section eight (8) of this act, shall be put down in the general and special assessment or tax rolls authorized by the provisions of this act, by itself, in a column, as hereinbefore provided; and whenever any such tax, so levied and assessed, and the interest thereon, (which said interest shall be computed at the rate of fifteen per cent. per annum until paid,) shall remain unpaid for two years from the date of the warrant to the marshal as provided for in section sixteen of this act, the treasurer of said village shall cause so much of the land charged with such tax, levied and assessed, and the interest thereon as aforesaid, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes so levied and assessed, and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisements posted in three prominent public places in said village, or by causing the same to be published in a newspaper in said village; and an affidavit of such advertisement or publication, in the manner aforesaid, entered at large upon the records of the corporation, made by the recorder thereof, or the publisher of the paper in which printed, shall be deemed *prima facie* evidence of such advertisement or publication. Sale of land for unpaid taxes. Notice of time and sale.

Sec. 21. On the day mentioned in the notice provided for in section twenty of this act, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much of each parcel thereof shall be sold as will pay the taxes levied and assessed thereon, with the interest and charges due, assessed and charged thereon, as aforesaid; and Treasurer to sell lands.

Part of description to be taken.

Certificate of purchase.

Conveyance.

Proviso.

Conveyance may be used in evidence.

Proceedings when land cannot be sold.

in case a less amount than the whole of any such described premises shall be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof; and the treasurer shall give to the purchaser or purchasers of such lands, a certificate describing in writing, the lands purchased, and the sum or sums paid therefor, and the time when the purchaser will be entitled to a deed of said lands; and unless within two years from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his or her heirs or assigns, the sum mentioned in such certificate of sale, together with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said two years, execute to the purchaser, his or her heirs and assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising, levying, and assessment of the tax or taxes for which lands were sold, and the sale for the non-payment thereof are according to law; and the said conveyance shall be *prima facie* evidence that the tax was lawfully levied and assessed, and that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the form and manner required by the general laws of this State for the conveyance of real estate by private individuals may be given in evidence in the same manner as if such deed had been regularly executed and acknowledged by the owner, and duly recorded.

Sec. 22. If any parcel of land cannot be sold to any person for the tax levied and assessed thereon, and the interest and charges, as provided in section twenty-one of this act, such parcel shall be passed over for the time being, and after the balance of the advertised list has been offered, and before the close of sale, all such descriptions or parcels of land as have

not been sold shall be re-offered for sale; and if on such second offer the same cannot be sold for the amount aforesaid, the president of the village, or in case of his absence, any member of the common council shall bid off the same for the village; but all such lands so bid off for the village shall continue liable to be taxed in the same manner as if they were not bid off for the village, until the title thereof shall be vested in such village, and such subsequent tax shall be a charge upon said land.

Sec. 23. The treasurer of said village shall receive the same fees in the sale of lands, as aforesaid, as are allowed by law to the county treasurers of this State for like services; and the expenses of advertising any land for sale, in pursuance of this act, and all other expenses pertaining thereto shall, by the treasurer, be added to such taxes respectively, as are charged upon lands and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

Treasurer;
fees of.

Sec. 24. The treasurer, before entering upon the duties of his office, shall be required to execute and deliver to the recorder, his bond with two sureties, to be approved by the common council, conditioned for the safe keeping and disbursement of all money that may come into his hands, as treasurer of said village, in the manner prescribed or ordered by the common council thereof.

Bond of.

Sec. 25. Suit may be brought for any breach or violation of any bond required to be given by any officer of said corporation, in the name of "The Common Council of the Village of Albion," as in other cases, before any justice of the peace of the townships of Albion or Sheridan, or the circuit court for the county of Calhoun, according to the amount claimed, which said courts are hereby authorized to hear, try, and determine the same.

Suits; how
brought.

Sec. 26. No member of the common council, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, or become a contractor, or interested in any contract for

Councillmen
not to be-
come secu-
rity, or be
interested in
any contract

motion, under such penalties as the said common council may
 prescribe; to regulate and tax theatres, shows, and concerts; to
 regulate and tax at their discretion, auctioneers, auction sales,
 and gift enterprises, hawkers, hucksters, peddlers, and pawn-
 brokers; to provide for removing drift-wood and clearing the
 Kalamazoo river, and all mill races and ponds within the limits
 of said corporation, and to prevent or punish, by fine and
 imprisonment, the placing therein of any filthy or impure matter
 tending to render the water thereof unwholesome; to regulate
 or prohibit the erection and use of slaughter houses within the
 limits of said village; to rail and curb, when deemed by them
 necessary, all sidewalks, at the expense of the owners of the ad-
 joining lots; to levy taxes on all personal and real estate within
 the limits of said village to the extent hereinbefore and herein-
 after authorized, but no property belonging to the village in
 its corporate capacity, or to the townships of Albion and Sher-
 idan, [in] the county of Calhoun, State of Michigan, or to any
 religious or church organization, or appropriated for educational
 purposes, within the corporate limits of said village, shall be taxed
 for any purpose whatever named in this act; to take the land of
 any individual for the purpose of opening, widening, or extend-
 ing streets or alleys, but not until the necessity for the taking
 thereof for the use and benefit of the public shall be determined,
 and said individual shall be paid therefor, together with the
 buildings thereon, as provided for in this act; and shall divide
 the village into four or more street or highway districts, and
 appoint a highway or street commissioner in each of said
 districts, who shall be a resident of the district for which
 he is appointed; for the violation of any by-laws, rules, and
 regulations herein authorized to be established by the said
 common council, such reasonable penalties and fines as are
 not herein specified or provided for, may be imposed by
 the law itself as the common council may deem proper;
 and when any fine shall not exceed one hundred dollars, the
 same may be recovered before any justice of the peace in the
 township of Albion or Sheridan, and any interest that the in-

Theatres.

Auctioneers.

Mill-races.

Slaughter
houses.Taxes on
personal and
real estate.Opening
streets.Highway
commis-
sioners.Penalties
and fines.

habitants of the village [of Albion,] as a corporate body, may have in the fine to be recovered, shall not disqualify any inhabitant of said village to try said cause, to be a witness, or serve as a juror; and the circuit court of the county of Calhoun shall also have jurisdiction over all fines and penalties imposed by virtue of, and all offenses described in said by-laws.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon for general village purposes, and for opening, widening, extending, paving, grading, planking, or repairing a street or alley, making and repairing sidewalks, or for the construction and repairing of sewers, shall be and remain a lien upon said real estate, until paid.

Taxes to remain a lien on real estate.

Sec. 9. The common council shall have power to levy, assess and collect a tax for general purposes, upon the real and personal property in said village, not exceeding in any one year three-fourths of one per cent. of the assessed valuation of the real and personal property thereof; and the money so levied, assessed and collected, and all moneys collected for fines, and taxes on auctioneers, and other avocations, authorized to be imposed by the provisions of this act, shall be denominated the "general fund;" and may also assess, levy, and collect in each and every street or highway district, a district tax for highway or street purposes in each and every year, not exceeding the rate of three-fourths of one per cent. of the assessed valuation of the real estate and personal property in each of said districts, and the amounts so levied, assessed and collected for highway or street purposes, shall be expended in the respective districts where the same is collected; and all moneys so collected shall be paid into the treasury of said village.

Further powers of common council.

General fund

Limit to taxes.

Money to be paid into village treasury

Sec. 10. The common council shall have power and authority to levy, assess, and collect annually, a poll tax upon every qualified elector of said village under the age of fifty years, not exceeding one dollar, except as hereinafter provided, and such poll tax shall become and be included in the moneys to be expended for highway purposes in the highway or street district in which such elector resides.

Poll tax; how expended

Jury to
award
damages

Payment
tendered to
owner.

Award
approved by
common
council.

Special
assessment
roll.

edited thereby; which jury, being first duly sworn by said justice of the peace, faithfully and impartially to inquire into the necessity of using such lands or premises, and the just compensation to be made therefor, including the buildings thereon, and having viewed the premises, shall determine such necessity, and if found to be necessary, for the public use and benefit, to take such lands and premises, shall award such damages and compensation as they shall judge fit to be awarded to the owner or owners thereof, or parties interested in such lands or premises, and the buildings thereon, for their respective losses, according to their respective estates therein; and the said justice of the peace shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so awarded, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, shall be so extended, widened, or opened and established, to the claimant or claimants to whom the same was awarded by such jury. The said jury shall also apportion the award so made by them, for the lands and premises and buildings thereon, to be taken for public use, upon the lots and parcels of land deemed by them to be directly, and not indirectly or prospectively benefited thereby, and shall apportion the same on each of the lots or parcels of land aforesaid, as they, in their judgment, may deem just and equitable, and shall put said apportionment in writing, sign and deliver the same to the president of said village; and if the award and apportionment of said jury are approved by the common council of said village, and if no appeal is taken, as hereinafter provided, the common council shall make a special assessment roll, describing the lots and parcels of land upon which the jury apportioned the award made by them, as aforesaid, and opposite of each lot or parcel of land so described, shall put in a column prepared for that purpose, the sum, in dollars and cents, apportioned by said jury upon each of said lots and parcels of land, and shall (if to them known) set opposite to each parcel of land or lot so assessed, the name of the person or persons who are the

owners thereof, and shall cause said special assessment roll, or ^{Marshal to collect special tax.} a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of the president, seal of the village, and attested by the recorder, giving him the same powers, and requiring of him the same duties as are given and required for the collection of the annual tax; and the powers and duties of the treasurer pertaining thereto, and appertaining to all other special taxes authorized to be levied and assessed upon real estate by the provisions of this act, shall also be the same as are given and required of him in relation to any general tax levied and assessed upon real estate.

Sec. 32. Upon the compliance, on the part of the common council, with the award of the jury, as named in the last pre-^{When lands may be occupied.}ceding section of this act, it shall be lawful for the said common council to cause such lands or premises to be occupied for the purposes aforesaid, and to remove or cause to be removed any buildings therefrom, if there should be any thereon: *Provided, however,* That any person claiming damages, as men-^{Proviso.}tioned in said section, may have the right to remove such proceedings, by appeal to the circuit court, or to any court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days from and after the date of said award, or in case of the absence of said party from the village, at the time of the rendition of the judgment, then within thirty days from and after the date thereof; and also by filing with the said justice, within the time aforesaid, a bond to the common council of said village, in the penal sum of two hundred dollars, with sufficient assurance, conditioned to pay all costs occasioned by said appeal, forthwith, in case said costs should be assessed against him; upon the filing of a transcript of the proceedings, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court for the county of Calhoun, or any other court having competent jurisdiction, and the same proceedings shall be had as prescribed by law in other

- same by distress of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of such warrant, and specifying therein the particular fund or funds on account of which said moneys so collected are to be applied, and said warrant may be renewed from time to time as the common council may deem best; and
- Warrant renewed.** when any assessment shall be made, or tax levied for any special improvement or purpose named in this act, it shall be legal, even if it is not made at the time of making the aforesaid annual list, notice being given of the review of said assessment as hereinbefore provided; and a warrant may be issued as aforesaid, to be delivered to the marshal to collect the tax so levied and assessed for any special purpose named in this act, requiring the said marshal to collect the respective sums of the persons named in said warrant, in like manner and time as is herein required for the collection of the annual tax.
- Tax; neglect to pay.** Sec. 17. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.
- Marshal to collect.**
- Surplus.**
- Marshal; fees of.** Sec. 18. The marshal shall receive such fees for the collection of all general or special taxes levied and assessed, as the common council shall ordain or establish, but such fees shall not exceed four per cent. of the amount so collected, except as provided for in section seventeen (17) of this act.
- Bond of** Sec. 19. The marshal shall be required, before any tax or assessment roll shall be delivered to him for collection, to make and deliver to the recorder, his bond with two sureties,

to be approved by the common council, conditioned for the performance of his duties, and the payment of all moneys so collected by him to be paid to the treasurer as required in any warrant delivered to him during his continuance in office as said marshal, which bond may be required to be renewed at any time by the common council. Bond renewed.

Sec. 20. The tax upon real estate, levied and assessed for the purposes named in section eight (8) of this act, shall be put down in the general and special assessment or tax rolls authorized by the provisions of this act, by itself, in a column, as hereinbefore provided; and whenever any such tax, so levied and assessed, and the interest thereon, (which said interest shall be computed at the rate of fifteen per cent. per annum until paid,) shall remain unpaid for two years from the date of the warrant to the marshal as provided for in section sixteen of this act, the treasurer of said village shall cause so much of the land charged with such tax, levied and assessed, and the interest thereon as aforesaid, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes so levied and assessed, and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisements posted in three prominent public places in said village, or by causing the same to be published in a newspaper in said village; and an affidavit of such advertisement or publication, in the manner aforesaid, entered at large upon the records of the corporation, made by the recorder thereof, or the publisher of the paper in which printed, shall be deemed *prima facie* evidence of such advertisement or publication. Sale of land for unpaid taxes. Notice of time and sale.

Sec. 21. On the day mentioned in the notice provided for in section twenty of this act, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much of each parcel thereof shall be sold as will pay the taxes levied and assessed thereon, with the interest and charges due, assessed and charged thereon, as aforesaid; and Treasurer to sell lands.

Part of description to be taken. in case a less amount than the whole of any such described premises shall be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south

Certificate of purchase. by a line running parallel with the northerly line thereof; and the treasurer shall give to the purchaser or purchasers of such lands, a certificate describing in writing, the lands purchased, and the sum or sums paid therefor, and the time when the

Conveyance. purchaser will be entitled to a deed of said lands; and unless within two years from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his or her heirs or assigns, the sum mentioned in such certificate of sale, together with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said two years, execute to the purchaser, his or her heirs and assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given,

Proviso. an estate in fee simple: *Provided*, All proceedings connected with the raising, levying, and assessment of the tax or taxes for which lands were sold, and the sale for the non-payment thereof

Conveyance may be used in evidence. are according to law; and the said conveyance shall be *prima facie* evidence that the tax was lawfully levied and assessed, and that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the form and manner required by the general laws of this State for the conveyance of real estate by private individuals may be given in evidence in the same manner as if such deed had been regularly executed and acknowledged by the owner, and duly recorded.

Proceedings when land cannot be sold. Sec. 22. If any parcel of land cannot be sold to any person for the tax levied and assessed thereon, and the interest and charges, as provided in section twenty-one of this act, such parcel shall be passed over for the time being, and after the balance of the advertised list has been offered, and before the close of sale, all such descriptions or parcels of land as have

not been sold shall be re-offered for sale; and if on such second offer the same cannot be sold for the amount aforesaid, the president of the village, or in case of his absence, any member of the common council shall bid off the same for the village; but all such lands so bid off for the village shall continue liable to be taxed in the same manner as if they were not bid off for the village, until the title thereof shall be vested in such village, and such subsequent tax shall be a charge upon said land.

Sec. 23. The treasurer of said village shall receive the same fees in the sale of lands, as aforesaid, as are allowed by law to the county treasurers of this State for like services; and the expenses of advertising any land for sale, in pursuance of this act, and all other expenses pertaining thereto shall, by the treasurer, be added to such taxes respectively, as are charged upon lands and unpaid, in proportion to the amount of such person's tax as charged and unpaid. Treasurer; fees of.

Sec. 24. The treasurer, before entering upon the duties of his office, shall be required to execute and deliver to the recorder, his bond with two sureties, to be approved by the common council, conditioned for the safe keeping and disbursement of all money that may come into his hands, as treasurer of said village, in the manner prescribed or ordered by the common council thereof. Bond of.

Sec. 25. Suit may be brought for any breach or violation of any bond required to be given by any officer of said corporation, in the name of "The Common Council of the Village of Albion," as in other cases, before any justice of the peace of the townships of Albion or Sheridan, or the circuit court for the county of Calhoun, according to the amount claimed, which said courts are hereby authorized to hear, try, and determine the same. Suits; how brought.

Sec. 26. No member of the common council, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, or become a contractor, or interested in any contract for Councilmen not to become security, or be interested in any contract

the construction of bridges, pavements, streets, sewers, sidewalks, or any other expenditures for public improvements in said village, authorized by the common council thereof, during the time for which he may have been elected a member of such common council.

Recorder;
duties of.

Sec. 27. The recorder shall be the recording clerk of the common council, and shall perform all such duties as may be required by the common council, in addition to the duties specified in this act, and shall receive such compensation for his services as the common council may see fit to award.

To give
notice of
elections.

Sec. 28. It shall be the duty of the recorder to give at least five days' notice of the time and place of holding an election, by causing the same to be published in each and every newspaper printed in said village; but in case no paper is printed therein, then by posting written notice of such election in five of the most public places in said village, and in such notice shall set forth fully the object and purpose of said election.

Judges and
clerks of
elections.

Sec. 29. At all elections in said village, the president and any two of the common council may be judges of such election; and the recorder, or his substitute, and such other person or persons as the judges of such election may see fit to appoint, shall be clerks of said election; and the judges and clerks shall take an oath, to be administered by either of the others, to faithfully and honorably discharge their duties as judges or clerks of election; and said board shall have power to preserve the purity of the election as is now or may hereafter be given to township boards of election in this State.

Oaths of.

All officers
to take off-
cial oath.

Sec. 30. The president, and every other officer whose election is provided for by this act, or who may be appointed by the common council in pursuance thereof, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, which may be administered by any member of the common council, to support the constitution of the United States and of this State, and to perform faithfully and impartially all the duties of the office to which he is elected or

appointed, to the best of his ability, a record of which oath shall be made by the recorder.

Sec. 31. Whenever the lands and buildings thereon within the limits of said village shall be required to be taken for Private property taken for streets. extending, widening or opening of any street, lane, or alley, the common council shall give written notice thereof to the Notice; how given. owner, owners, or parties interested therein, his, her, or their agent, agents or representatives, by personal service, which notice shall be attested by the recorder, over the seal of the corporation; but in case such owners, their agents or representatives, do not reside within the corporate limits of said village, then by publication in the newspapers published in said village, for three successive weeks; and in case no newspaper is published in said village, by posting in five prominent public places in said village the notice as aforesaid, for three weeks previous to which action shall be had thereon. After Negotiation for land, etc. said notice shall have been given, in the manner or for the period above named, the common council are hereby authorized to negotiate with such person or persons for the lands and buildings thereon, for the purposes named in such notice; and Refusal or owners to negotiate. if such persons shall refuse or neglect to negotiate for the same, or if the parties thus negotiating cannot agree therefor, then the said common council shall have power [and authority to direct any justice of the peace of the township of Albion or Sheridan to issue a *venire facias* to command any constable of the said county of Calhoun to summon and return a jury of twelve disinterested freeholders in said county, to be taken without the limits of said village, to appear before him at a time named in said *venire facias*, not less than six nor more than ten days from the date thereof, to inquire into the necessity of using such lands for the public benefit, and the just compensation to be made for such lands and the buildings thereon, to the owner or owners thereof, and to apportion the compensation so awarded upon the particular lots or parcels of land to be directly, and not indirectly or prospectively ben-

ening the channel of Saginaw river above Portsmouth, and below the east draw of the Bristol street bridge, in East Saginaw, and not elsewhere: *Provided*, That before any such bonds shall be issued a majority of the electors voting on the question, of the municipality issuing the same, shall have voted in favor thereof, as hereinafter provided.

Board of
commission-
ers.

Sec. 2. The following named persons are hereby appointed commissioners, viz: Wellington R. Burt, Samuel H. Webster, John P. Allison, James F. Brown, Joseph A. Whittier, William J. Bartow, and Henry D. Wickes, who shall constitute a board of commissioners, and shall keep a record of their doings.

Officers of.

Said board may elect a chairman, treasurer and secretary, from among their own number, and may also elect or appoint a superintendent, and such officers and agents as they may find necessary to carry out the objects of this act, and may prescribe

Quorum of.

their duties and fix their compensation. Five members of said board shall constitute a quorum for the transaction of business,

Vacancies;
how filled.

and said board may fill vacancies in their own number, and said board shall continue in existence until dissolved by act of

Compensation
of members.

the Legislature. No member of said board shall receive any compensation for his services except for time actually employed pursuant to a prior resolution of the board, in which resolution

Removals
from office;
how made.

the amount of such compensation shall be specified. Any member of said board may be removed from his office at any time by the Governor of the State, for cause, to be shown by affidavit, after allowing the accused party an opportunity to reply.

Report;
contents of.

Sec. 3. Said commissioners shall publish in a newspaper in East Saginaw, on the first of July and January, in each year, a report of their doings, in which shall be set forth the amount of money received from all sources, stating from whom received and when; also a list of all disbursements, stating to whom paid, and for what purpose, which report shall be verified by the oath of the officers making the same.

Removal
from county
to vacate
office.

Sec. 4. Should any of said commissioners remove from Saginaw county, he shall by such removal vacate his office.

Sec. 5. The treasurer of said board of commissioners shall give a bond to the people of this State, in such sum as the board shall direct, and with sureties to be approved by the board, conditioned to faithfully account for, and pay over all moneys that shall come into his hands as treasurer.

Treasurer of
board to give
bond.

Sec. 6. There shall be held a special election in the city of East Saginaw, and in each of the townships of Zilwaukie, Carrollton and Buena Vista, on the thirtieth day of March, eighteen hundred and sixty-nine, of which election at least ten days previous notice shall be given by the clerk of each of said townships respectively, by posting a notice thereof in at least three public places in his township; and in said city such notice shall be published by the clerk thereof, at least ten days before the election, in some newspaper in said city.

Election;
when held.

Sec. 7. Such election in said city and in said townships shall be governed by the rules governing general elections therein,

Rules of
election.

but no special session of the board of registration shall be required. The ballot shall have written or printed, or partly written and partly printed, the words "bonds for dredging, yes," or, "bonds for dredging, no;" and the votes shall be canvassed by the inspectors, and the result recorded. In case the

Style of
ballot.

majority of the votes given at such election shall be, in any or all of said townships, "bonds for dredging, yes," it shall be

When clerk
shall execute
bonds.

and is hereby made the duty of the supervisor and clerk of such township or townships, to execute in proper form, coupon bonds for the amount authorized in the first section of this act, and payable as therein specified, and to deliver the same to the treasurer of the board of commissioners; and in case a majority of the votes given at such election in such city of East

Bonds;
when issued
by mayor

Saginaw, shall be "bonds for dredging, yes," then it shall be and is hereby made the duty of the mayor, controller, and clerk of said city, to execute in proper form, coupon bonds for the amount authorized in the first section of this act, and payable as therein specified, and to deliver the same to the treasurer of said board of commissioners. All of such bonds to be issued

in such sums as said commissioners may direct, in accordance with the terms of this act.

Board of
commis'rs;
to dispose
of bonds.

Sec. 8. Such board of commissioners shall have power, and it shall be their duty to cause such bonds as shall come into the hands of their treasurer, to be sold from time to time, as may be necessary, at not less than their par value, and to use the proceeds thereof in their discretion, so as best to remove the bars in the Saginaw river, and give the best possible channel between the points aforesaid, at the earliest practicable period.

To make
contracts.

Sec. 9. Said board may make contracts for the performance of said work, or may purchase a dredge or dredges, and scows for the purpose of doing the work, and for other necessary work and materials; and in case any cause of action shall arise in favor of said board, a suit may be brought by the treasurer of said board, in his own name, for the use of the board, and all sums recovered shall be held by him for the use of the board.

Suit against;
how brought

Money raised
by tax; how
expended.

Sec. 10. In case any money should hereafter be voted and raised by tax, in the city of East Saginaw, or in either of the townships of Buena Vista, Zilwaukie or Carrollton, pursuant to the provisions of the act number one hundred and seventy-eight, of laws [of] eighteen hundred and sixty-seven, such money shall be paid over to and be expended by said board for [of] dredging commissioners, for the purpose specified in this act.

Private sub-
scription.

Sec. 11. In case any money shall be collected by private subscription, and paid over to said commissioners for the purposes contemplated in this act, it shall be the duty of the commissioners to cause the same to be expended for the purposes for which the same is paid to them.

Sec. 12. This act shall take immediate effect.

Approved March 6, 1869.

[No. 254.]

AN ACT to incorporate the village of Burlington.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all those parts of sections, tracts, pieces, and lots of land situate in the township of Burlington, county of Calhoun, and State of Michigan, described as follows, to wit: The south-east quarter of section twenty three; the south-west quarter, and the west half of the south-east quarter of section twenty-four; the north half of the north-west quarter of the north-east quarter, and the north quarter of the north-west quarter of section twenty-five, and the north quarter of the north-east quarter of section twenty-six, being in township four south, of range seven west, be and the same are hereby made and constituted a village corporate, by the name of the village of Burlington.

Sec. 2. The male inhabitants of said village, having the qual- ^{Election of officers.} ifications of electors under the constitution of the State, shall meet at John D. Spoor's office, in said village, on the second Monday of March next, and on the second Monday of March annually thereafter, at such place or places as shall be provided in the by-laws of said village, and there by ballot, shall elect by plurality of votes, one person to be president of said village; three persons shall in like manner be elected trustees for one year, and three for two years, and one person shall also be elected marshal; and annually thereafter, a president and marshal shall be elected, as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected, who shall hold their offices for two years; but if an election of ^{Terms of office.} president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular elections. The president and three trustees thus elected, to- ^{Village board.} gether with three trustees whose term of office is unexpired,

Quorum. shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village. He shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties of president.

President; duties of.

Election; notice of. Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened between the hours of nine and ten in the forenoon, and continue open until three o'clock in the afternoon, and no longer; and at the close of the polls the ballots shall be publicly counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and, within five days, give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Polls; when open.

Judges and clerk of election. Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be the clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerks of such election; and said board shall have power to preserve the purity of the election, as is now or may be hereafter given to township boards of elections.

Oaths of.

President; oath of. Sec. 5. The president, and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support

the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of president and trustees of the village of Burlington; may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president, or any of the trustees of the village, at least six days before the return day thereof.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, namely: For the appointment of a treasurer, and prescribing his duties, one assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, medics, drunkards, and all disorderly persons; to

Village clerk.

Body corporate and politic.

President and trustees may pass laws relative to—

Appointment of officers.

Police.

Fire department.

Vagrants, etc.

Disorderly houses.	punish lewd and lascivious behavior in the streets, or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunk-
Tavern keepers.	ards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent, and remove
Fermented liquors.	nuisances; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to
Immoderate driving.	prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes,
Houses of ill-fame.	alleys, parks and public grounds; to compel the owners and occupants of lots to clear the sidewalks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance
Streets.	or obstruction thereto; to regulate the storage of powder,
Sidewalks.	lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and fire-works; to
Gunpowder.	construct and regulate markets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels con-
Fire-arms.	taining liquors, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraining
Markets.	of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running at large of dogs, to
Weights and measures.	require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and
Pounds.	license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting trav-
Dogs.	elers; to construct hydraulic works to supply the village with
License cartmen, etc.	water; to light the streets; to borrow money for public im-
Hydraulic works.	provements, not exceeding one thousand dollars in any one
Borrow money.	year; to establish wells and cisterns, and to prevent the waste
Wells and cisterns.	of water; to prevent bathing in public streams; to purchase

grounds for and regulate cemeteries, and the burial of the Cemeteries.
 dead, and to provide for the return of bills of mortality, and to
 order the use, for burial purposes, of any burial ground or
 cemetery to be discontinued, whenever they may deem the same
 necessary for the best interest or health of the citizens; to Boundaries
 ascertain, establish and settle the boundaries of all streets and of streets.
 alleys, and to establish grades therefor; also, to order and
 cause the same to be drained or filled up, and to assess the costs
 and expenses on the premises benefited; to regulate the build- Fences.
 ing of partition and other fences; to establish lines upon which Building
 buildings may be erected, and beyond which such buildings shall lines.
 not extend; to prevent the erection of buildings in any unsafe
 manner, and to pass all necessary regulations relative to build-
 ings deemed unsafe; to purchase and keep in order fire engines Fire engines.
 and other fire apparatus, and to construct buildings to store
 them, and to cause each building occupied as a house, store or
 shop, to be provided with fire buckets and ladders; to establish Fire limits.
 fire limits, within which no wooden building shall be built, en-
 larged or placed, without consent of the common council; to
 regulate party walls, chimneys, flues, and putting up stoves Chimneys.
 and stove-pipe; to regulate the construction of smith shops,
 planing establishments, bakeries, and other buildings considered
 extra hazardous; to guard against fires; to regulate the duties, Duties of
 powers and fees of village officers; to prescribe the setting of village
 posts and shade trees; to provide for the construction of side- officers.
 walks, and repairing the same; to grade the walks, streets and Sidewalks.
 alleys, and to prescribe the manner of planking or repairing
 them; the cost and expenses of repairing sidewalks; grading
 the walks, streets and alleys, and the paving or planking to be
 paid by assessment on the lot in the front of or adjoining which
 either or all of such improvements shall be made: *Provided*, Proviso.
 That so much money belonging to the highway fund of such
 village as the president and trustees may direct, may be ex-
 pended for grading: *And provided further*, That not more than Ibid.
 one per cent. on the assessed value of any lot, shall be collected
 in any one year for such purpose; to construct and keep in

Highways.	repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out
Vacating streets.	under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking the census whenever
Census.	they shall see fit; to regulate theatres, shows and concerts; to
Theatres.	regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-
Auctioneers.	brokers; to regulate the covering of mill-races at the expense of the owners thereof; to rail and curb where necessary, all
Railing walks.	walks, at the expense of the owners of the adjoining lots; to
Taxing real estate.	levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting, also, places of public worship be-
Taking private property.	longing to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violations of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dol-
Fines.	lars, the same may be recovered before any justice of the peace in the township of Burlington, and any interest the inhabitants of the village of Burlington may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein: <i>Provided</i> , That such interest be only that which is in common with the citizens of said village; and the circuit court of the county of Calhoun shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.
Proviso	
Taxes a lien on real estate.	Sec. 8. All taxes upon real estate, and all assessments made thereon for opening, widening, extending, paving, grading,

planking, or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same are paid.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper published in said village, if one shall be published therein, and if one shall not be published therein, then to be posted upon the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

Statement
of board of
trustees;
contents of.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week, for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

When by-
laws shall
take effect.

Sec. 11. The assessor of said village shall, once in each year, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants, or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard,

Assessment
roll.

Notice of
time and
place for re-
viewing.

When may
be altered.

and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed, from time to time, as the trustees may deem best; and when any assessment shall be made for any especial improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment as herein provided.

Warrant
attached.

Refusal to
pay; how
may be col-
lected.

Distress and
sale.

Surplus
returned to
owner.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall

be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself in a column; and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessments, and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments, and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Unpaid taxes; when and how collected.

Affidavit of publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid; and the said treasurer shall give the purchaser or purchasers of any such lands a certificate, in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sums mentioned in said

Treasurer to sell lands.

Certificate of purchase.

certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyances shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

Conveyance.

Proviso.

Conveyance
used as
evidence.Fees of
treasurer.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes, respectively, as are charged upon land advertised for delinquent State and county taxes.

Money; how
drawn from
the treasury.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Trustees
not to be in-
terested in
any contract
or become
security.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense

or consideration whereof is to be paid out of the village treasury.

Sec. 18. All moneys assessed or raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes. Highway fund.

Sec. 19. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed and qualified; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace of the township of Burlington or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same. Terms of office.
Bond of officers.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the power belonging to any constable of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons and those engaged in unlawful assemblages, and to take them before any justice of the peace of the township of Burlington, who shall hear, try, and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases. Marshal; powers of.
May enter gaming houses.
Arrest disorderly persons.
Compel aid at fires.
Proviso.

To be subject
to control of
trustees.

How
removed.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the causes of such refusal [removal] shall, in all cases, be made a matter of record by them.

Vacancy;
how filled.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Compensat'n
of officers.

Sec. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of two hundred dollars for each year, which shall be full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct, not exceeding the rate of one hundred dollars each for each year.

Use of jail.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Calhoun, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment, in civil cases.

Proviso.

Firemen
exempt from
poll tax and
jury service

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such by-laws and ordinances as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation

thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 26. The president and trustees shall be the commission-^{Trustees to be commissioners of highways.}ers of streets and highways, and within the limits of the village shall have the same power, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint^{May appoint overseers.} one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars in any one year; and no other highway taxes shall be levied and collected^{Levy taxes} in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, or who may be by law exempted, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who shall neglect^{May recover fine in case of refusal to pay poll tax.} or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Burlington; and the president and trustees shall cause a list to be made and delivered to the marshal in the month of April, in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power^{Proviso.} to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided*^{Ibid.} also, That nothing herein contained shall be construed to exempt any person or property within said village from any

township tax that may be legally levied within and for the township of Burlington, for the repairing, building, or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working, or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair, and all bridges within the corporate limits of said corporation shall be kept in repair by, and be under the care and supervision of the commissioners of highways of the township, at the expense of said township.

Streets;
private
property
used for.

Sec. 27. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains or sewers within the limits of said village, the president and trustees shall give notice thereof, to the owners or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Burlington to issue a *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him, at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises, which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the

Refusal to
sell.

Jury to de-
cide com-
pensation.

premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, drain or sewer or highway shall be made, opened or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the verdict,) then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice, at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal.

Award made to owners.

Proviso.

Ibid.

Sec. 28. All moneys received for licenses granted to tavern keepers or common victualers, under the provisions of this act, shall be paid to the treasurer of said village, by him to be placed to the credit of the general fund.

Moneys received for licenses.

Sec. 29. This act shall be favorably construed and received in all courts, as a public act, and copies thereof, printed under

Public act.

the authority of the Legislature, shall be received as evidence, without further proof.

Who eligible
to office.

Sec. 30. No person shall be eligible to any office in this corporation, unless he shall reside in the said village, and shall be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved March 8, 1869.

[No. 255.]

AN ACT to legalize the tax roll of the township of Hancock, in the county of Houghton, for the year eighteen hundred and sixty-eight, and extend the time for the collection of taxes in the same.

Tax roll
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Hancock, in the county of Houghton, for the year eighteen hundred and sixty-eight, be and the same is hereby declared legal and valid as if the supervisor of said township had not twice assessed some of the lands in said township, and the treasurer of said township is hereby authorized to reject any such description of property as may have been twice assessed, and the taxes thereon; and that the time for the collection of the taxes in said township, for said year, be and the same is hereby extended to the first day of April, eighteen hundred and sixty-nine.

Treasurer;
power of.

Sec. 2. The treasurer of said township of Hancock is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make his returns on or before the first day of April, eighteen hundred and sixty-nine, and the warrant of said treasurer is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first day of April next.

Warrant
revived.

Bond
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant as is

now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-nine, duly returned to the Auditor General for non-payment.

Return
of unpaid
taxes.

Sec. 5. This act shall take immediate effect.

Approved March 8, 1869.

[No. 256.]

AN ACT to define the boundaries of certain school districts in the township of Ishpeming, in the county of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* sections thirty-four and thirty-five, of township forty-eight north, of range twenty-seven west; sections two, three, four, nine, ten, eleven, and fourteen, of township forty-seven north, of range twenty-seven west, in the township of Ishpeming, in the county of Marquette, are hereby formed and erected into a school district, to be known as school district number one, of said township of Ishpeming.

District No.
one; bound-
aries of.

Sec. 2. Sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three, of township forty-seven north, of range twenty-seven west, in said township of Ishpeming, are hereby formed and erected into a school district, to be known as school district number two, of said township.

District No.
two; bound-
aries of.

Sec. 3. All school moneys raised upon the tax roll of said township of Ishpeming, for the year 1868, within the territory of the districts hereby created, shall be retained in the hands of the township treasurer of said township, and paid out upon

School
moneys;
how dis-
posed of.

the order of the district officers, to be elected in said districts respectively, for the support of schools therein.

Sec. 4. This act shall take immediate effect.

Approved March 8, 1869.

[No. 257.]

AN ACT to incorporate the city of Hillsdale.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That all that tract of country situated in the county of Hillsdale, and State of Michigan, and designated as follows, viz : The south half of section twenty-two (22); the south half of the north-west quarter of section twenty-two (22); the north-east quarter of section twenty-two (22); the west half of the north-west quarter of section twenty-three (23); the south half of section twenty-three (23); section twenty-six (26); section twenty-seven (27); the north half of the north-west quarter of section thirty-four (34); the north half of the north-east quarter of section thirty-four (34); the north half of the north-west quarter of section thirty-five (35); the north-west quarter of the north-east quarter of section thirty-five (35); and so much of the east half of the north-east quarter of section thirty-five (35), which lies north and east of the lands of the Michigan Southern and Northern Indiana railroad, all being in township six (6) south, of range three (3) west, be and the same is hereby constituted a city corporate, under the name of the City of Hillsdale.*

Body corporate and politic.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Hillsdale, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever, and may have a common seal, and by

the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real or personal estate for said city; but when any suit shall be commenced against said corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the mayor of the city: *Provided*, That in case such summons Proviso. for any reason, cannot be served on the mayor, it may be served on any one of the aldermen, but such summons shall in all cases be served at least six days previous to the time of appearance mentioned therein.

Sec. 3. The said city shall be divided into four wards by the Wards. board of trustees of the village of Hillsdale, now holding office, which wards shall each be entitled to two aldermen.

Sec. 4. The following officers shall be elected by the electors Officers. of said city: One mayor, one clerk, one treasurer, two supervisors, who shall be *ex officio* assessors, one collector, four justices of the peace, four constables, and eight aldermen; provided, at the first election held the first Monday in April, eighteen hundred and sixty-nine, under this charter, the mayor, clerk, treasurer, two supervisors, collector, and four constables, shall be elected for one year, and four aldermen shall be elected for one year, and four aldermen for the period of two years; one justice of the peace shall be elected for one year, one justice of the peace for two years, one justice of the peace for three years, and one justice of the peace for four years. The following officers shall be appointed by the common council: One city attorney, one health physician, fire wardens, pound masters, inspectors and measurers of fire-wood, one commissioner of cemeteries, one marshal, and such a police force as may be necessary, and such other officers, assistants, and agents, as may be authorized by prior resolutions of the common council.

Sec. 5. The mayor, clerk, treasurer, supervisors, collector, Term of office. marshal and constables, shall hold office for the period of one year; the aldermen for the period of two years; the justices of the peace for the period of four years from the fourth day

of July after their election, except as provided in section four of this act.

Day of election.

Sec. 6. The first annual election for city and ward officers under this act, shall take place on the first Monday in April, in the year one thousand eight hundred and sixty-nine, and on the first Monday in April, annually, thereafter; and all officers now holding office in said village, shall continue to hold their respective offices until their successors are elected and qualified.

Place of election.

Sec. 7. Said annual election shall be held at such place in each one of the wards as the common council shall designate, and it shall be the duty of the clerk to give at least five days notice of the time and place of holding said election, either by posting written or printed notices in three of the most public places in each of said wards, or by causing the same to be published in a newspaper printed in said village, (city.)

Aldermen to be electors.

Sec. 8. The aldermen shall be resident electors of their wards for the term that they shall hold office as such aldermen from that ward.

Qualification of electors

Sec. 9. The inhabitants of said city who are electors at State elections, shall be electors at said city election, and they may be challenged; and perjury may be assigned where they swear falsely that they are inhabitants of said city, and electors under the constitution and laws of the State of Michigan.

Polls; when opened and closed.

Sec. 10. On the day of the election held by virtue of this act, the polls shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, and shall be kept open until twelve o'clock at noon, at which time said inspectors may adjourn for one hour, and the polls shall be again opened at one o'clock, and be kept open until four o'clock in the afternoon, at which time they shall be fully closed.

Inspectors of election.

Sec. 11. The common council shall determine by ordinance, who shall be inspectors of election, and who shall be chairman of said inspectors, and who shall be clerks of said election, and the oaths they shall be required to take; but the election for the first Monday in April, eighteen hundred and sixty-nine, is to be under the control, and according to the form and manner

in use by the present board of trustees of the village of Hillsdale. If either of the inspectors of the election, or the clerks of elections shall fail to attend, or all of them, at the appointed time and place, his or their places may be supplied for the time being by the electors present, who shall elect one of their number *viva voce*, who, when so elected, shall be duly sworn to a faithful performance of their duties as such inspector or inspectors, or clerk or clerks.

Vacancy in
board of
inspectors
of election;
how filled.

Sec. 12. The electors shall vote by ballot, which shall contain the names of the persons for whom the elector intended to vote, and shall designate the office to which each person so named is to be chosen.

Ballots; con-
tents of.

Sec. 13. Immediately after the closing of the polls, a majority of the inspectors of election shall publicly canvass the votes received by them, and declare the result, and shall, on the same day or the next day, make a certificate stating the number of votes given for each person for office, and shall file such statement and certificate on the day of election or the next day, with the clerk of said city. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general election held by the people of the State of Michigan.

Canvass;
how made.

Sec. 14. The person receiving the greatest number of votes for any office in said city, shall be deemed and declared duly elected; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall, by ballot, elect such officer from the two candidates having the highest number of votes.

Tie; how
decided.

Sec. 15. The common council shall have power to fill all vacancies caused by death, resignation, removal or otherwise, in said city offices; but in case of an alderman, such vacancy shall be filled by the election of a resident elector from the ward which has such vacancy, for the portion of the unexpired term of such office, ending at the next annual election of said city, when an alderman shall be elected to fill such vacancy from such ward, for the rest of the term.

Vacancies.

Expenses of election.

Sec. 16. The expenses of election under this charter are to be city charges, the amount of such expenses to be regulated by a vote of the common council, when the accounts for such expenses are presented to them.

Holding of office.

Sec. 17. Any person elected or appointed to office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified.

Mayor; duties of,

Sec. 18. The mayor of said city shall be the chief executive officer thereof. It shall be his duty, in addition to other requirements of this act, to see that all the officers of said city faithfully comply with and discharge their official duties; to see that all the laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed. The mayor shall preside at the meetings of the common council, and in his absence, the common council shall appoint one of their number, who shall preside.

Clerk; duties of

Sec. 19. The clerk of said city shall, in addition to the other duties hereby imposed upon him, keep the corporation seal, and all papers filed in or pertaining to his office; shall make and preserve a record of all ordinances and by-laws passed by said common council in proper books to be provided therefor, and, when requested, shall duly certify, under the corporate seal, copies of all the records of said common council, and all papers duly filed in his office. He is also hereby authorized and empowered, generally, to administer oaths and to take affidavits.

Marshal; powers and duties of.

Sec. 20. The marshal of said city shall be the chief of the police of said city, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or the common council, and shall also attend the meeting of the common council, and may command the aid and assistance of all constables and all other persons in dis-

charge of the duties imposed upon him by law. He shall also, under the direction of the common council, see to the making, grading, and repairing, and opening of all streets, lanes, alleys, bridges, and sidewalks, and the making and repairing of all gutters within said city, unless the common council shall devolve the same upon one or more of the deputy street commissioners that they are hereby authorized to appoint. He shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the by-laws and ordinances of the city, and forthwith take such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances, or this act shall provide; and said marshal, or any constable of said city, may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance, in the discharge of such duties, of any of the citizens, if deemed by him necessary; and he shall perform all the duties that may be required of him by the by-laws or ordinances passed by the common council of said city.

To attend
to grading
streets.

Apprehend
disorderly
persons.

May demand
assistance
of citizens.

Sec. 21. The treasurer of said city shall have the custody of all the money and evidences of value belonging to the city; he shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof; he shall pay no moneys out of the treasury, except in pursuance of and by authority of law, and upon a warrant signed by the clerk, and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate [account] of, and be charged with moneys received for the corporation; he shall exhibit to the common council annually, and as often and for such periods as may be required, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement, showing the financial con-

Treasurer;
duties of.

To receive
moneys.

To keep
accounts of
the same.

To make
report of
receipts and
expenditures

dition of the treasury, which account, report, and statement shall be filed in the office of the clerk. The treasurer may appoint a deputy, for whose official duties he shall be responsible.

Common
council;
of whom
composed.

Sec. 22. The mayor and aldermen shall constitute the common council. They shall meet at such places as they shall from time to time appoint, and on special occasions, whenever the mayor, or person officiating as mayor, (in case of vacancy in the office of mayor, or in his absence from the city, or inability to officiate,) shall appoint.

Right of
members of,
to vote.

Proviso.

Sec. 23. At the meetings of the common council, each member shall have one vote, except the mayor: *Provided*, That when there shall be a tie vote, the mayor shall give the casting vote.

Meetings of,
to be public.

Sec. 24. The sittings of the common council shall be public, except when the public interest shall, in the opinion of the common council, require secrecy. The minutes of the proceedings shall be open at all times for public inspection.

When votes
of, to be en-
tered on
minutes.

Sec. 25. Whenever required by two members, the votes of all the members of the common council, in relation to any act, proceeding, or proposition had at any meeting, shall be entered at large on the minutes kept by the clerk; and such votes shall also be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for assessing or taxing the citizens of said city, or involving the appropriation of money.

Quorum.

Sec. 26. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered except by a concurring vote of a majority of all the members elect of the common council, and the common council shall prescribe the rules for its proceedings.

Members of,
not to be-
come secu-
rity, or be
interested in
any contract

Sec. 27. No member of the common council shall, during the period for which he holds office as alderman, be appointed to or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be

directly or indirectly interested in any contract, as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the clerk from receiving any salary which may be fixed by the common council.

Sec. 28. The common council shall have full power and authority to lay out and establish, open, make, grade, and repair such streets, lanes, alleys, squares, market-places, and public parks in said city as they shall deem necessary; and the same to alter, and to alter those already laid out, and extend and repair the same; and if, in the doing thereof, they shall require for such purposes the ground or grounds of any person or persons, they shall give notice thereof to the owner or party interested, or his or their agent or representative, by personal service, or by publication in some one of the newspapers printed in said city, at least three weeks next preceding the meeting of the common council, at which action is to be had in regard to the same; and the said common council is hereby authorized to purchase the right of way through such grounds or premises from the owner or owners thereof, if they can agree upon the price to be paid therefor; but in case they cannot agree upon a price, it shall be lawful for any justice of the peace of said city to issue a venire, directed to the marshal, or any constable of the said city, commanding him to summon a jury of twelve disinterested freeholders of the said city, to appear before him at a time to be therein mentioned, which shall not be less than five days from the issuing thereof, to inquire into the necessity of using such grounds or premises, and to assess the value thereof, which jury being first sworn by the said justice of the peace faithfully and impartially to make such inquiry, and to assess the value of the premises to be taken, and having heard the testimony of witnesses, if any be sworn, and the representations of the person or persons interested, shall, if such necessity appear, assess the value of the grounds or premises to be taken, according to the respec-

May take private property for streets.

To give notice to owners.

Purchase right of way through lands.

Summon jury to assess value of land.

tive interest of the owner or owners, or parties interested, which assessment shall be signed by the jurors, and delivered to the justice of the peace, who shall enter judgment thereon, confirming the same, and file the same in his office. All sums so assessed shall be paid or tendered to the person or persons in favor of whom such assessment shall be made, before such street, lane, or alley, square, market-place, or public park shall be made, opened, established, or altered, if the person or persons claiming the same shall reside in said city, and if not, it shall be paid into the city treasury for the use of such claimant or claimants; and it shall thereupon be lawful for the said common council to cause the said grounds or premises to be converted to and used for the purposes aforesaid: *Provided,*

That any person claiming compensation therefor, and who shall be dissatisfied with the assessment of the jury, may appeal therefrom to the circuit court for the county of Hillsdale, upon giving notice of his intention to do so to the said justice of the peace, within ten days after the time of filing such assessment; or, in case of the absence of the claimant from the city, within thirty days from such filing, first giving bond, with two sufficient sureties, to be approved by the said justice of the peace, to pay all costs which may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding, from any court whatever, shall prevent the immediate making, laying out, opening, establishing, or altering such street, lane, alley, square, market-place, or public parks, as aforesaid. Upon filing a copy of said assessment, with a copy of the notice of appeal, in the said circuit court, at its next session, or within thirty days from the time of filing the same with the said justice of the peace, as aforesaid, the court shall have jurisdiction of the appeal, and shall proceed, in the same manner as is usual in other cases of appeal, to assess the damages; and if the damages awarded by the court upon such appeal, shall not be greater than the amount assessed by the jury, or than shall have been tendered or deposited as hereinbefore provided, the court shall give

To tender
compensat'n
for property
taken.

Proviso

Appeal of
owner not to
hinder the
laying out
of any street.

When court
to have ju-
risdiction of
the appeal.

judgment against the party appealing, for the costs of the appeal.

Sec. 29. In all cases where any real estate subject to any lease or agreement shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine, and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation by the circuit court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine, and be discharged only as to such part; and the court, on application of any party in interest to such lease or agreement, and after notice thereof, of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners to determine the rents and payments hereafter to be made, and the covenants, stipulations, or conditions hereafter to be performed under the lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest, to such lease or agreement; and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement, or either of them, or by the city, in the discretion of the common council.

When covenants, etc., to cease on real estate taken.

Proceedings when only a portion of real estate is taken.

Commis'rs appointed to determine rents, etc.

Official oath of.

Report of.

Sec. 30. The constables of said city shall have the same powers and liabilities, and may perform the same duties that township constables have, and in addition, they shall perform all the duties required of them by this act; and the duties to be performed by the marshal of said city, in case of the inability of such marshal, whether by absence, sickness, or interest

Constables; duties of.

in the subject matter of the proceedings, may be performed by either of the constables of said city.

Justices of
the peace;
powers of.

Sec. 31. The justices of peace shall have such jurisdiction to hear, try, and determine civil and criminal cases as is given by statute, and shall also have jurisdiction to hear, try, and determine civil and criminal cases, as is given by the charter, by-laws, and ordinances of said city.

May try
offenders.

Sec. 32. Any justice of the peace of said city is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all the offenses which shall be committed within the limits of said city, against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act; to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to grant all processes, and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to the jail of Hillsdale county, as occasion shall lawfully require.

Grant
processes.

Commit
to jail.

Prosecut'ns;
manner of
proceeding
in.

Sec. 33. In all prosecutions for a violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made upon oath before said justice, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of the city [of] Hillsdale, or any constable of the said city, (except in the case mentioned in the next succeeding section;) and such process may be executed by any of said officers anywhere within the county of Hillsdale, and shall be returnable the same as other similar process issued by justices of the peace; upon bringing the person so charged before said justice of the peace, he shall plead to said complaint; and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of not guilty for the person so charged; upon the said complaint and plea a trial shall be had, and upon conviction of said offender, and the imposition of a fine, it shall be the

Process; by
whom exe-
cuted.

Offender to
plead to
complaint.

Marshal to
collect fines,
or commit to
jail.

duty of the justice to issue an execution, directed to the marshal of said city, or any constable of said city, commanding him to collect of the goods and chattels of the person so offending, the amount of such fines, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of said county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in case where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect, and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed by any justice for the violation thereof, shall be in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged, as in other cases: *Provided*, That the common council may remit any such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same. The jail fees, and expenses accruing from the imprisonment in the common jail of said county, of all persons liable to imprisonment under the by-laws and ordinances of the city, shall be paid by said county, to the same extent and in the same manner as in the case of other offenders against the laws of this State.

When justice to issue commitment.

Convicted person to be in custody of sheriff.

Proviso.

Jail fees to be paid by county.

Sec. 34. Whenever any person, charged with having violated any of the ordinances of the common council, by which the offender is liable to imprisonment, shall have escaped from the county, or shall reside or be without the limits thereof, any justice of the peace residing in said city, to whom complaint

Justice to issue warrant for arrest of offender.

Sheriff to
execute
warrant.

shall be made, shall issue a warrant in the name of the people of the State, directed to the sheriff of the county of Hillsdale, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff to whom such warrant shall be delivered for service is hereby required to execute the same, under the penalties which are incurred by law by sheriffs and other officers for neglecting or refusing to execute criminal process.

When offend-
er may de-
mand jury.

Manner of
conducting
trials.

Sec. 35. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any violation of any by-law or ordinance of the common council, the accused may demand of such court a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in similar cases before justices of the peace; and in all cases the right of appeal from the justices' court to the circuit court for said county of Hillsdale, and the writ of certiorari, shall be allowed to the parties, and the same recognizance shall be given as is or may be required by law in appeals from, or certiorari to justices' courts in similar cases.

Supervisors;
duties of.

Sec. 36. Said city shall be entitled to two supervisors, one to be elected in the first and second wards, and one in the third and fourth wards, who shall be assessors in their respective wards. The supervisors of said city are hereby authorized and required to perform the same duty in their respective wards that the supervisors of townships, under the general laws of the State, are required to perform in relation to the assessing of property and levying of taxes for State, county, and school purposes; and for such services they shall receive the same fees as supervisors are entitled to. They shall also represent their several wards in the board of supervisors of the county of Hillsdale, and shall be entitled to all the rights, privileges, and powers of the members of said board of supervisors, for the purpose of assessing all property equally in the whole city.

The said supervisors shall meet at the office of the city clerk, at the time required by the statute, for the purpose of reviewing, equalizing, and completing their assessment or assessment rolls for said wards. To equalize assessment roll.

Sec. 37. All State, county, and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, and all proceedings for the return, sale, and redemption of real estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale, and redemption of real estate, as required by the laws of this State. Assessment and collect'n of taxes.

Sec. 38. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one years, and under the age of sixty years, (except paupers, idiots and lunatics,) a list of whom shall be made by the supervisors, at the time of making their annual assessments, an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same: *Provided*, That such poll tax shall not be levied upon any person who is assessed for one hundred dollars of real or personal estate. Poll tax; how collected.

Sec. 39. The common council shall also have power and authority to levy and collect such amount of taxes on all real and personal property within the limits of said city, as they may deem necessary to defray the expenses thereof, not to exceed three-fourths of one per cent. on the assessed valuation thereof, exclusive of the cost of collecting the same, in any one year, unless as is hereinafter provided. If the said common council shall, in any one year, deem the aforesaid sum of three-fourths of one per cent. on the valuation of the real and personal property in the city, insufficient for the use of the city for that year, they may call a meeting of the tax-payers of the city at some place therein, first giving at least ten days' notice of the time and place of such meeting, by publication thereof in all the papers printed in said city, who may then and there vote to levy, assess, Taxes; limitation of. How extra taxes may be raised.

and collect such further money tax upon all the real and personal estate in the city, as they may deem necessary and expedient. The mayor of said city, or in his absence, the clerk, shall preside at such meeting, and none but tax-payers shall be allowed to vote.

Sale of real estate.

Sec. 40. The common council may, by ordinance, provide for the collection of all assessments or taxes necessary to be raised, other than such as may be raised as provided in section thirty-seven of this act, and for the sale of any real estate for the non-payment of such tax, and for the redemption thereof:

Proviso.

Provided, That all the proceedings relative to the notice of sale, the manner of conducting the same, and the time to redeem, shall be in conformity, as near as may be, to the provisions of law regulating the sale of lands delinquent for State, county, and township taxes.

Tax roll; contents of.

Sec. 41. Each supervisor shall, on or before the first Monday in December, deliver to the collector the tax roll for his ward, with the taxes for the year annexed to each valuation, and carried out in the last column thereof, the school, library and school-house taxes in one column, the highway or street taxes in another, the city taxes in another, the county taxes in another, and the State taxes in another column, and if other taxes are at any time required by law, they shall be placed each in another column; and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are paid into the city and county treasuries, respectively.

Warrant annexed to.

Sec. 42. To such tax roll or tax list, the supervisor shall annex a warrant, under his hand, directed to the said collector, commanding him to collect from the several persons named in said rolls, the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over to the county treasurer the amount therein specified for State and county purposes, and to pay over the remainder of said taxes (after deducting one per cent. of the amount collected by him as his fees for collecting) to the treasurer of said city, on or

Collector to pay over money to county treasurer.

before the first day of February then next ensuing; and such warrant shall authorize the collector, in case any person named in such roll shall neglect or refuse to pay his tax, with the fees for collecting to be added, to levy the same by distress and sale of the goods and chattels of such person.

Refusal to pay tax.

Distress and sale.

Sec. 43. The collector shall, immediately after the receipt of the tax roll, post up in the post-office in said city, and in as many as ten of the most public places in said city, conspicuous hand-bills, giving notice when the tax roll can be seen and taxes paid, and a receipt therefor obtained without expense, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one until four o'clock in the afternoon, during the month of December, (Sundays and Christmas days excepted,) and the tax roll shall be kept at the place or places mentioned in such hand-bills, from nine o'clock in the forenoon until four o'clock in the afternoon of each day, during the month of December, (Sundays and Christmas days excepted,) so that any person or persons can pay the tax assessed against him or them, and obtain the collector's receipt therefor; and on all taxes so paid prior to the first day of January, no fee or percentage besides the amount of tax so specified in such roll shall be charged or payable.

Notice of time and place for paying taxes

Sec. 44. The common council may, by ordinance, prescribe what amount, not exceeding three per cent. nor less than one per cent., the said collector may add for his fees, to each tax remaining unpaid on the first day of January upon his tax roll; and it shall be lawful for the said collector to add to each tax remaining unpaid on his roll on the first day of January, such percentage as the common council may have prescribed for the collectors' fees, and to collect such percentage with such tax, in the same manner as he is authorized to collect the tax; and for the purposes of collecting such taxes by the collector, such additional percentage shall be deemed and taken to be a part of the tax.

Extra percentage for collection of delinquent taxes.

Sec. 45. The collector in said city shall, and may proceed to collect the taxes in said city, and to pay over money to the

Statement of unpaid taxes

county treasurer, and to return to the county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers; and all the provisions of the laws of this State, relating to the collection of taxes by township treasurers, or to the paying over money by township treasurers to the county treasurer, or returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the collector or collectors of said city.

Collector to
pay amount
collected to
treasurer.

Sec. 46. The collector shall, on or before the first day of February, account for and pay over to the city treasurer the full amount of all the taxes contained in his tax roll, deducting the amount to be paid to the county treasurer, and the amount of taxes uncollected and returned to said county treasurer, and deducting the amount of one per cent. upon all taxes collected by such collector, for the collector's fees for collecting or receiving the same.

Common
council may
require the
building of
sidewalks.

Proceedings
in case of
refusal of
owners to
build.

Sec. 47. Whenever the common council shall deem it expedient to construct any sidewalk, or pave or plank any street, lane, or alley within said city, they may, by ordinance, by-law, or otherwise, require the owner or owners of any lot or house, or premises adjoining said street, lane, or alley, to build said sidewalk, or construct said pavement, or plank the same to the middle of said street, lane, or alley in front of his or her, or their house and lot or premises; and whenever the owner or owners of any such house, or house and lot, or premises, shall refuse or neglect, within such time as the common council shall have appointed by said ordinance, by-law, or otherwise, to build said sidewalk, or to construct said pavement, or plank said street, lane, or alley to the middle of the same, it shall be lawful for the said common council to build said sidewalk, to pave or plank said street, lane, or alley at the expense of the city, and to recover the amount of such expenses, with damages, at the rate of ten per cent., with costs of suit, from the owner or owners of said lot or house, or premises, who has or have neglected to conform to such regulation; or they may add

thereto ten per cent., and the supervisors may return the same, to be assessed and collected in the same manner as the ordinary city taxes are collected, and shall be a lien upon the premises, as any other taxes.

Sec. 48. Said common council shall have power to repair and clean said sidewalks, pavements, or planking, as they shall by ordinance, by-law, or resolution prescribe, after neglect or refusal of the owner or owners of said premises, at the expense of the city, and may recover the amount of such expenses from said owners, in the same manner and form as is prescribed in section forty-seven (47) of this act for recovering the expenses of building sidewalks, paving or planking streets, lanes, or alleys, from said owners.

Council may cause sidewalks to be repaired, and assess damages upon owners.

Sec. 49. The common council shall have full power to establish all grades of sidewalks, pavements, or planking, and streets, lanes, or alleys, and regulate the grading of the same; but the grading and repairing of streets, lanes or alleys, where no pavement or planking is required, shall be at the expense of the city: *Provided*, That it shall be the duty of the common council, under this act, to first grade and work all the streets connecting with the roads leading out of the city, as fast as it can be done with safety to the public travel on the other streets of said city, and also to keep the same in good repair: *Provided*, That where the citizens of any street shall have raised a sum of money to grade said street, the common council may, if they see fit, appropriate out of the general fund of said city, an amount not exceeding one-third of the amount of money thus raised by said citizens towards the grading of said street.

May establish grades.

Provide

Ibid.

Sec. 50. All cross-walks shall be built at the expense of the city; all gutters at the expense of the owner or owners in front of whose premises said gutters are to be built.

Crosswalks; how built.

Sec. 51. Where, by the provisions of this act, the common council have authority to pass ordinances or by-laws on any subject, they may prescribe a penalty, not exceeding one hundred dollars, or ninety days' imprisonment, or both, in the discretion of the court, together with the costs of the prosecution,

Penalties.

for a violation of any of said ordinances or by-laws, and may provide that the offender, on failing to pay any fine, penalty, or forfeiture, together with the costs of prosecution, may be imprisoned in the county jail of Hillsdale county for any term, not exceeding ninety days.

Time when
ordinances
shall take
effect.

Sec. 52. No ordinance or by-law of the city of Hillsdale imposing a penalty, shall take effect until the expiration of at least fifteen days after the first publication thereof, in a newspaper printed in said city.

Record of
clerk to be
used as
evidence.

Sec. 53. A record of entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of such first publication; and all laws, regulations, resolutions, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board, in which it shall be necessary to refer thereto; either, first, from a copy certified to by the clerk of said city; second, from the volume of ordinances, printed or written by authority of the common council.

Citizens
competent
as witnesses.

Sec. 54. In all suits or proceedings in which the corporation of the city of Hillsdale shall be a party, or shall be interested in, no inhabitant of said city shall be deemed incompetent as a witness or jury [juror] on account of his interest in the event of such suit and action.

Common
council al-
lowed same
powers as
township
boards.

Sec. 55. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships of this State, and shall have all the powers given by statute to highway commissioners, so far as applicable, except as is herein otherwise provided; and the city clerk shall discharge the like duties as are imposed on the township clerk by the provisions of law.

Lapse of
time not to
give title
against the
city.

Sec. 56. No person shall be deemed to have gained any title, as against the city, by lapse of time, to any street, lane, alley, common, or public square heretofore laid out or platted by the

proprietor or proprietors of said city, or any part thereof, by reason of any encroachment or enclosure of the same.

Sec. 57. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interest, buildings, and all property, real and personal, belonging to said city; and may make such orders, by-laws and ordinances relating to the same, as they shall deem proper and necessary; and further, that they shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations, as they may deem desirable within said city, for the following purposes:

Common council may pass laws relative to—

1st. To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of said city; to prevent and quell riots, disturbances, disorderly conduct, and assemblages, and to provide that the proprietors or lessees of public halls in said city shall keep a sufficient police force to preserve order at all exhibitions, dances, and performances for money, in their halls.

Immorality.
Police.
Riots.

2d. To restrain and prevent disorderly and gaming places, houses of ill-fame, and to regulate and restrain bowling-alleys, saloons, and restaurants.

Gaming houses.
Saloons.

3d. To forbid and prevent the giving of or selling of intoxicating liquors to any minor, apprentice, or drunkard.

Liquors.

4th. To prohibit, restrain and regulate (license) all sports, exhibitions of natural and artificial curiosities, caravans of animals, theatrical exhibitions, circuses, lectures delivered for money, not before a college or organized literary society, or other performances and exhibitions for money.

Shows.

5th. To prohibit, restrain or regulate auctioneers, peddlers, foot-peddlers, hawkers, ten-pin alleys, and billiard tables, also the sale of all goods, wares, and personal property at auction, except in case of sales authorized by law.

Auctions.

6th. To abate or remove nuisances of every kind, and to compel the owner or occupant of every grocery, tallow chandler shop, butchers' stall, meat market, soap factory, tannery,

Nuisances.
Groceries.

cellars, and store-rooms where hides, furs, pelts or tallow are stored, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city.

Cattle. 7th. To prohibit, restrain, and regulate the driving of horses, oxen and mules, hogs, sheep and cattle upon the sidewalks of said city, and the sliding, skating, hauling of carts and sleds, and wheeling of wheelbarrows on sidewalks.

Slaughter houses. 8th. To direct the location of all slaughter houses, markets, and buildings for storing gunpowder, oils, and other combustible substances.

Oils. 9th. To prohibit, regulate, and restrain the sale of carbon oil, and oils and illuminating materials that are found to be below the standard required to prevent their being dangerous and explosive, when used in lamps and burners.

Gas-pipes. 10th. To prohibit, regulate and restrain the laying of gas-pipes and gas mains.

Lighting streets. 11th. Concerning the lighting of streets and alleys, and the protection and safety of public lamps.

Gunpowder. 12th. Concerning the buying, carrying, selling and using gunpowder, fire-crackers, or fire works manufactured or repaired [prepared] therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards.

Streets. 13th. To prevent the incumbering of streets, sidewalks, cross-walks, gutters, squares, parks, lanes, alleys or bridges, in any manner whatsoever.

Immoderate driving. 14th. To prevent and punish horse-racing, and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and arresting of any person who shall be guilty of immoderate driving or riding in any street or over such bridge.

15th. To prohibit and regulate the bathing in any of the ^{Bathing.} lakes, ponds, or races within said city.

16th. To restrain and punish drunkards, vagrants, mendi- ^{Vagrants.} cants, street beggars, disorderly persons, and persons found drunk in the streets.

17th. To establish and regulate one or more pounds, and ^{Pounds.} restrain and regulate the running at large of horses, cattle, swine and other animals, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding.

18th. To prohibit any person from bringing or depositing <sup>Unwhole-
some sub-
stances.</sup> any dead carcass, or any unwholesome or offensive substance within the limits of said city, and to require the removal or destruction thereof, if any person or persons shall have on his or her or their premises such substances, or any putrid meats, fish, hides or skins; and on his or her, or their refusal to remove the same forthwith, to authorize the removal and destruction thereof by said officers of said city.

19th. To prevent and punish the resisting and obstructing <sup>Resisting
officers.</sup> of any officer in the discharge of his duties.

20th. To prevent and regulate the running at large of dogs. ^{Dogs.}

21st. To compel all persons to keep sidewalks in front of ^{Sidewalks.} premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions of any kind.

22d. To regulate the ringing of bells and the crying of goods ^{Bells.} and other commodities for sale at auction or otherwise, and to prevent disorderly noises and obscene and improper language in the streets.

23d. To license all traveling physicians who may visit said <sup>Traveling
physicians</sup> city for the purpose of practicing their profession for money: *Provided*, That this section shall not include any physician ^{Provided.} from abroad who may have been called to said city to consult with a resident physician.

24th. To regulate and establish the line upon which fences <sup>Building
lines.</sup> and buildings may be erected upon any street, lane or alley in said city, and to compel such fences or buildings to be erected

upon such line by fine upon the owner or builder thereof, not to exceed five hundred dollars.

Burial of the dead.

25th. To regulate the burial of the dead, and to compel the keeping of bills of mortality.

Markets.

26th. To establish, order, and regulate the markets, regulate the vending of wood, meats, vegetables, fruits, and provisions of all kinds, and time and place for selling the same: *Provided,*

Proviso.

That nothing herein contained shall prevent the selling of fresh and wholesome meat by the quarter within the limits of said city.

Wells.

27th. To establish, regulate, and preserve public wells, reservoirs, and pumps, and to prevent the waste of water.

Duties of officers.

28th. To prescribe the term of office, and the duties of all officers appointed by said common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and the number of sureties to be given by the officers of the city for the discharge of their duties, and the times for making the same in cases not otherwise

Draymen.

prescribed by law or by this act; to prescribe and regulate the stands for carts and carters, drays and draymen, and the stand or stands for wood, hay, and produce exposed for sale in said city, and to prescribe and regulate the weighing of hay and measuring of fire-wood by the persons appointed by the common council for that purpose.

Hay and wood.

Boundaries of streets.

29th. To ascertain, establish, and settle the boundaries of all streets, lanes, and alleys, and public places in said city, and remove all encroachments thereon.

Trees.

30th. To regulate the setting of awnings, and other posts and trees in the streets, lanes, alleys, and public places in said city, to construct and repair sewers, drains, and bridges.

Fires.

31st. To make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fires, and thieves, robbers, and burglars at fires; to compel the owners or occupiers of buildings to procure and keep in readiness such a number of fire buckets as they may direct; they shall also have power to prohibit, forbid,

and prevent the construction or erection within such parks, Fire limits. streets or districts of said city as in their opinion the public safety may require, any wooden or frame house, store, shop, or other building, and prohibit or prevent the removing of wooden or frame buildings from any part of said city to any lot or place within said limits, and the rebuilding and repairing the same; and also to regulate the construction of party walls, chimneys, fire-places, and the putting up of stoves, stove-pipes, furnaces, grates, and other things that may be dangerous in causing or promoting fires; to prohibit the burning out of Chimneys. chimneys in order to clean the same; to compel and regulate the cleaning of the same; to appoint fire wardens to enter into Fire wardens. all buildings to discover whether the same are in a dangerous state, and to cause all such as are in a dangerous state to be put in a safe condition; and also to regulate the construction of all Hazardous buildings. blacksmith shops, cooper shops, and carpenter shops, planing establishments, bakeries, and all buildings and establishments usually regarded as extra hazardous in respect to fire; to es- Fire companies. tablish, maintain, and regulate hand engine companies, hose companies, hook and ladder companies, steam engine companies, and bucket companies, as they may deem necessary; to Engine houses. provide such companies with necessary and proper buildings, engines and other implements: *Provided*, That such steam en- Proviso. gines shall first be directed to be purchased by a majority vote of the tax-payers of said city, at a meeting to be called by the common council for that purpose; and the members of such companies shall be excused from the payment of poll tax in said city, shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts in session in the county of Hillsdale; and upon the breaking Duties of officers at fires. out of such fire, the chief engineer and his assistants, the marshal and constables of said city may require the assistance of bystanders to aid and assist such companies in extinguishing the fire or fires, to prevent any goods or property from being stolen or injured, and in protecting, conveying and securing the same; and in case any bystander shall willfully refuse or

neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws and ordinances of said common council, who are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary.

Salaries.

32d. To regulate the salaries, the amount of bonds to be given, and the sureties of the clerk, marshal, and treasurer.

Justices;
fees of.

Sec. 58. The justices of the peace, constables and supervisors shall receive the same fees for services rendered to the city as they receive for similar services under the statutes of the State of Michigan.

Annual
report;
contents of.

Sec. 59. The common council shall, at least once in each year, cause to be published a just and true account of all the moneys received and expended by them in their corporate capacity during the year, or other period next preceding such publication, previous to which they shall audit and settle the accounts of the treasurer and collector, and the accounts of all other persons having claims against the city; which statement shall fully set forth the appropriations made by said common council, the amount of money expended, the amount of taxes raised, the expenses of the fire department, the amount expended on streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

Prior ordi-
nances and
by-laws to
remain in
force.

Sec. 60. All ordinances, by-laws, and resolutions of the corporation of the president and board of trustees of the village of Hillsdale which are in force at the time of the passing of this act, shall remain in full force and effect as if passed under the provisions of this act, until repealed, amended or revised by any common council elected under this act: *Provided*, That they do not contain anything repugnant to the provisions of this act.

Proviso.

Township
clerk to fur-
nish list of
voters.

Sec. 61. The township clerk of the township of Hillsdale shall, at least fifteen days prior to the election, furnish the clerk of the village of Hillsdale with a list duly certified by him, of all the voters registered in said township, residing within the limits of the city hereby incorporated; and said village clerk

shall thereupon make and deliver to the inspectors of each ward, a copy of such list; and said inspectors shall, from such list so furnished, and from actual canvass, make a list of the qualified electors in each ward, and enter their names and residences in a book to be furnished for that purpose; and such book shall be the register of electors for such ward, and immediately after the election shall be deposited with the clerk of the city.

Village clerk to furnish same to inspectors.

Sec. 62. The chairman of the board of inspectors of each ward shall, on Saturday preceding the election, meet at the office of the township clerk of said township of Hillsdale, for the purpose of completing the lists of qualified voters for each ward, at which session it shall be the right of any person who will be an elector at such election, and whose name is not already registered, to have his name entered in the register for the ward in which he resides.

Time for completing list of qualified voters.

Sec. 63. All of that portion of township number six south, of range three west, not included in the limits of the city of Hillsdale, heretofore known as the township of Hillsdale, is hereby organized into a separate township, by the name of the township of Hillsdale.

Township of Hillsdale reorganized.

Sec. 64. The election for said township, in the year eighteen hundred and sixty-nine, shall be held at the house of Lucius Allis, situate on section twenty-eight, in the said township of Hillsdale, and Hugh Cook, Eugene H. White, Elihu Davis, and the township clerk of said township, are hereby constituted the board of election thereof, and shall appoint a chairman, take the necessary oath, and perform all the duties, have the same powers, and make the same returns, as inspectors of election in townships are by law required to do and perform; and in case any of the persons named in this section shall refuse to serve, the vacancies shall be filled in the manner now provided by law.

Time of first election.

Judges and clerk of.

Sec. 65. At said township election, in eighteen hundred and sixty-nine, there shall be elected one supervisor, one township clerk, one township treasurer, one justice of the peace for the

Officers, and terms of office.

full term of four years, commencing on the fourth day of July next after his election; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and seventy-two; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and seventy-one; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and seventy. The terms of office of the justices of the peace, elected for other than the full term, shall commence immediately on the filing of their bonds, and taking the oath of office, and the term for which each is elected shall be expressed on the ballot. There shall also be elected one commissioner of highways for the full term; two school inspectors, one for one year, and one for the full term of two years, and four constables.

Township
clerk; duties
of.

Sec. 66. The township clerk of said township of Hillsdale shall continue to perform the duties of clerk of said township until his successor is elected and qualified; and when his successor shall have been duly qualified, he shall deliver to him all the books, papers, and furniture of his office, except chattel mortgages upon property within the limits of said city; such mortgages, with a book containing the entry of the same, shall be delivered to the city clerk, with whom all personal mortgages upon property in said city shall be hereafter filed.

Public act.

Sec. 67. This act shall be favorably received and construed in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence without further proof.

Acts
repealed.

Proviso.

Sec. 68. All acts heretofore enacted in regard to the village of Hillsdale, coming within the provisions of this act, are hereby repealed: *Provided however*, That the repealing of said acts shall not affect any act already done, right accruing or acquired, or proceeding had or commenced, or tax sale made by virtue thereof, or by virtue of any by-laws, ordinances of the president and board of trustees of the village of Hillsdale, passed in conformity therewith, but the same shall remain as valid,

and may be proceeded in as if the said laws hereby repealed, and every one of them, had remained in full force.

Sec. 69. This act shall not be construed so as to change, alter, or annul any act passed for the organization or government of school district number three, of the township of Hillsdale, or an act numbered as two hundred and fifteen, (215,) of the laws of eighteen hundred and sixty-seven, of the State of Michigan, entitled "An act to authorize school district number three, of the township of Hillsdale, in the county of Hillsdale, to borrow money and negotiate its bonds therefor." Act; how to be construed concerning a certain school district.

Sec. 70. This act shall take effect from and after the fifteenth day of March, eighteen hundred and sixty-nine.

Approved March 8, 1869.

[No. 258.]

AN ACT to incorporate the Village of Augusta, in the County of Kalamazoo.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. all that district of country in the county of Kalamazoo, in the State of Michigan, described as follows, to wit: The south half of section thirty-four, lying north of the Kalamazoo river, and the south half of the north half of section thirty-four, and the east half of the south-east quarter of section thirty-three, and the south-east quarter of the north-east quarter of section thirty-three, in the township of Ross; also the north-west fraction of section three, north of the Kalamazoo river, and that part of the east fractional half of the north-east quarter of section four, lying north of the railroad, in the township of Charleston, in the county of Kalamazoo, is hereby constituted a body corporate, under the name and title of the village of Augusta.

Sec. 2. It shall be lawful for the legal voters of the territory First election. above limited and described, to meet at the school-house in said village of Augusta, on the second Tuesday of April, eighteen hundred and sixty-nine, at nine o'clock in the fore-

noon, and then and there, by a majority of votes, proceed to organize said village corporation under the provisions of the general laws for the incorporation of villages, as set forth in chapter seventy-two, of the compiled laws, and the acts amendatory thereto.

Judges and
clerk of
election.

Sec. 3. At the election to be holden under this act, there shall be chosen, *viva voce*, by the electors present, two judges and a clerk of such election, who shall each take an oath or affirmation, to faithfully discharge the duties required of them by this act.

Terms of
office.

Sec. 4. The officers first elected according to the foregoing provisions of this act, shall hold their offices until the second Tuesday of April following their election, and until their successors are duly elected and qualified; and all subsequent elections shall be holden on the second Tuesday of April in each year, at such place in such village as shall be designated by the board of trustees.

Sec. 5. This act shall take immediate effect.
Approved March 8, 1869.

[No. 259.]

AN ACT to legalize the tax rolls of the townships of Raisin, Ridgeway, Riga, Palmyra, Dover, Rollin, Franklin, and Adrian, in Lenawee county, for the year eighteen hundred and sixty-six, and the proceedings of the board of supervisors, and of the drainage commissioners of said county of Lenawee, pertaining thereto.

Tax rolls and
proceedings
of supervi-
sors legalized

SECTION 1. *The People of the State of Michigan enact, That the tax rolls of the townships of Raisin, Ridgeway, Riga, Palmyra, Dover, Rollin, Franklin, and Adrian, in Lenawee county, for the year eighteen hundred and sixty-six, and the proceedings of the county board of supervisors, and county board of drain commissioners, pertaining thereto, be and the same are hereby declared to be legal and valid, the same as if the drain tax contained in said several tax rolls had been assessed and*

ordered by the board of supervisors of the said county of Lenawee, according to law.

Sec. 2. This act shall take immediate effect.

Approved March 8, 1869.

[No. 260.]

AN ACT to organize the township of Meade, in the county of Huron.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township organized.} surveyed township number seventeen north, of range twelve east, in the county of Huron, be and the same is hereby organized into a township by the name of Meade, and the first township meet- ^{First election.} ing therein shall be held at the school-house in said township; and John Leiby, Spencer Case, and Charles Gilbert, are hereby authorized to act as inspectors of the first election, and which election shall be held on the first Monday of April, eighteen hundred and sixty-nine.

Sec. 2. This act shall take immediate effect.

Approved March 8, 1869.

[No. 261.]

AN ACT to enable the Jackson, Lansing and Saginaw Railroad Company to change the northern terminus of its railroad to some point on Lake Superior, without prejudice to its rights, and to prescribe the time for the completion of the said road.

SECTION 1. *The People of the State of Michigan enact, That the* ^{Company allowed to change terminus of road.} Jackson, Lansing and Saginaw Railroad Company, a corporation holding a portion of the land grant made by the act of Congress, approved June 3, 1856, entitled "An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," be and hereby is authorized and empowered to change the northern terminus of its rail-

Change of
terminus not
to injure
rights of
company.

road from Traverse Bay, to some point on Lake Superior, in this State, without prejudice to any of its rights and privileges; and said company may also, without prejudice to any of its rights and privileges, change the present location of its line of road north of Wenona, and re-locate the same from Wenona, so as to obtain, in the opinion of its board of directors, the most direct, suitable route, by way of the Straits of Mackinac, to such northern terminus on Lake Superior. And the said company shall, in case of such change of terminus or route, be entitled to the same advantages, rights, and privileges, as if the same had been the original location.

Entitled to
lands, when
road is cer-
tified to.

Sec. 2. The time within which said company is to complete the balance of its road not now in operation, is fixed and limited to the 3d day of June, A. D. 1873; and as often as, and whenever the Governor of this State shall certify that any ten or more consecutive miles of said road have been completed, in a good and substantial manner, as a first-class railroad, the said company shall be entitled to take, have, and dispose of lands for such completed portion, to the amount granted by Congress for the construction of the same.

Approved March 8, 1869.

[No. 262.]

AN ACT to organize the township of Clinton, in the county of Lenawee.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, of town five south, of range four east, being the north half of the township of Tecumseh, in the county of Lenawee, be and the same is hereby set off and incorporated into a township, to be known and designated as the township of Clinton, and the first township meeting thereof shall be held*

at the hotel of Charles H. Adams, in the village of Clinton, on the first Monday of April next. First township meeting

Sec. 2. Joseph S. Kies, Edwin W. Freese, and Danforth Keyes are hereby made and constituted a board of inspectors for said township election, each of whom shall take and subscribe the usual constitutional oath. Inspectors; board of. Oath of.

Sec. 3. If for any reason the township election shall not be held at the time herein named, it shall and may be lawful to hold an election at any time thereafter, by posting notices thereof, signed by the said inspectors, or any two of them, in five public places in said township, for at least ten days prior to the holding of said election. Provision for election when not held at the proper time

Sec. 4. It shall be the duty of the township clerk of the said township of Tecumseh to transcribe and deliver to the above named inspectors, on or before the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and sixty-nine, a certified list of the electors of said township, as appears by the registration roll in his office, the expenses of which shall be paid by the said township of Tecumseh. And upon the receipt of said list, the said inspectors shall immediately procure to be copied therefrom, into a suitable book, the names of the electors residing in the township of Clinton. And it shall be the duty of said inspectors, on the day of holding said election, to receive and register the names of any and all qualified electors of said township making personal application for the same, whose names do not appear on said registration roll. Township clerk to furnish certified list of electors to inspectors. Inspectors to keep records of voters. Qualified electors to be registered on making personal application.

Sec. 5. Nothing in this act shall abridge or enlarge the terms of office of any justice of the peace, or other township officers heretofore elected in the township of Tecumseh; but said officers shall continue to hold and perform the duties of their respective offices for the term for which they were elected, in whichever of the townships of Tecumseh or Clinton they may reside at the time of holding the township meeting provided for in the preceding sections of this act. Duties of certain township officers

Sec. 6. It shall be lawful for the electors of the said township of Tecumseh, at the township meeting to be held therein Vacancies; how filled.

next succeeding the passage of this act, to elect the officers requisite to fill the vacancies occasioned by the provisions of this act; and it shall be lawful for the electors of the said township of Clinton, at their first township meeting, to elect such officers as may be necessary to fill the offices of said township, not provided for in section five of this act.

Sec. 7. This act shall take immediate effect.

Approved March 12, 1869.

[No. 263.]

AN ACT to authorize the public schools of the city of Adrian to borrow money and issue bonds, for the purpose of constructing a central school building.

School district allowed to borrow money.

To issue bonds.

Trustees authorized to sell bonds.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the board of trustees of the public schools of the city of Adrian to borrow, on the faith and credit of the said public schools, such sum or sums as they may deem necessary, not exceeding fifteen thousand dollars, in addition to the sums already borrowed by said district, and to execute therefor, under the official signatures of the president and secretary of said board, the bond or bonds of said district, for the payment of the principal and interest annually thereon, at a rate not exceeding ten per cent. per annum, in such sums and at such times and places as the said board of trustees shall deem most advantageous to the interests of said district; and said board of trustees may negotiate, sell, and dispose of the said bond or bonds, on the best terms possible, but at not less than their par value, and apply the proceeds thereof to the erection and completion of a central school building in said district.

Sec. 2. This act shall take immediate effect.

Approved March 12, 1869.

[No. 264.]

AN ACT to revise the charter of the village of Saugatuck.

SECTION 1. *The People of the State of Michigan enact, That all* Boundaries.
that tract of country situated in the county of Allegan, and State of Michigan, and designated as follows, viz: The whole of section nine (9), and that part of section sixteen (16), lying north of the Kalamazoo river, in township three (3) north, of range sixteen (16) west, in the county of Allegan, and State of Michigan, be and the same is hereby constituted a village corporate, under the name of the village of Saugatuck.

Sec. 2. The electors of said village shall meet on the first Village officers, and terms of office.
Tuesday in March, one thousand eight hundred and sixty-nine, at such place as shall be designated by the president and trustees, and there by ballot, shall elect, by plurality of votes, one person to be president of said village, and six trustees—three each for one and two years—and one person shall be elected marshal; and annually thereafter, a president and marshal shall be elected, as aforesaid, who shall hold their respective offices for one year, and three trustees shall be so elected, who shall hold their offices two years; but if an election of president and trustees shall not be made on the day when, pursuant to this Failure to hold election not to dissolve corporation.
act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The presi- Village board.
dent and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum Quorum.
for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief execu- President; duties of.
tive officer of the village. He shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of President pro tem.
his absence or inability to serve, the trustees shall have power

to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties of the president.

Election;
notice of.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and close at four o'clock in the afternoon, and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and, within five days, give notice to the persons elected, who shall enter upon their duties on the ensuing Monday.

Time of
opening and
closing polls.

Judges and
clerk of
election.

Oaths of.

Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of election; and said board shall have such power to preserve the purity of the election, as is now or may be hereafter given to township boards of election.

President
and other
officers;
oaths of.

Sec. 5. The president, and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all the meetings of the board, keep a fair and accurate record of their

Village
clerk.

proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a ^{Body corporate and politic.} body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of the president and trustees of the village of Saugatuck, and may have a common seal, which they may alter at pleasure; and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least six days before the return day thereof: *Provided*, That in case such ^{Proviso.} summons cannot, for any reason, be served on the president, it may be served on any one of the trustees; and the president ^{Power to levy tax.} and trustees shall have power to raise by general tax levied upon the taxable property liable to be assessed in said village, not exceeding one per cent. in any one year, for the purposes specified in this act.

Sec. 7. The president and trustees shall have power to ordain ^{President and trustees may pass laws relative to—} and establish by-laws, rules, and regulations, and the same to alter and repeal at pleasure, for the following purposes, viz: ^{Appointm't of officers.} For the appointment of a treasurer, and prescribing his duties, three assessors, and such other officers for said village as they may deem necessary; concerning the corporate property and ^{Corporate property.} public places and buildings of said village, as they shall deem necessary and right for the preservation and maintenance thereof; to regulate the police thereof; to preserve the public ^{Police.} peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire ^{Fire department.} department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish ^{Vagrants, etc.} vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets, or other

Disorderly houses.	public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or apprentices; to prevent and punish immoderate riding or driving in the streets; to abate, prevent, and remove nuisances; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks, and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance and obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruits, and fish; to regulate the sale of hay, wood, lime, lumber, coal; to regulate the gauging of vessels containing liquors, the sealing of weights and measures; to maintain and regulate pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese, or other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to prevent bathing in public streams; to purchase grounds for and regulate cemeteries, and the burial of the
Tavern keepers.	
Fermented liquors.	
Immoderate driving.	
Houses of ill-fame.	
Streets.	
Sidewalks.	
Gunpowder.	
Fire-arms.	
Markets.	
Weights and measures.	
Pounds.	
Dogs.	
License cartmen, etc.	
Hydraulic works.	
Borrow money.	
Wells and cisterns.	

dead, and to provide for the returns of the bills of mortality, and Cemeteries
 to order the use, for burial purposes, of any burying ground or
 cemetery to be discontinued, whenever they may deem the same
 necessary for the best interests or health of the citizens; to
 ascertain, establish, and settle the boundaries of all the streets Boundaries
of streets.
 and alleys, and to establish grades therefor; also, to order and
 cause lots to be drained and filled up, and to assess the cost
 and expense on the premises benefited; to regulate the build- Fences.
 ing of partition and other fences; to establish lines upon which Building
lines.
 buildings may be erected, and beyond which such buildings shall
 not extend; to prevent the erection of buildings in an unsafe
 manner, and to pass all necessary regulations relative to build-
 ings deemed unsafe; to purchase and keep in order fire engines, Fire engines.
 and other fire apparatus, and to construct buildings to store
 them, and to cause each building occupied as a house, store, or
 shop, to be provided with fire buckets and ladders; to establish Fire limits.
 fire limits, within which no wooden building shall be built,
 enlarged or placed; to regulate party walls, chimneys, flues, and Chimneys.
 putting up stoves and stove-pipes; to regulate the construction
 of smith shops, planing establishments, bakeries, and all other
 buildings considered extra hazardous; to guard against fires;
 to regulate the duties, powers, and fees of village officers; to Duties of
village
officers.
 prescribe the setting of posts and shade trees; to provide for
 the construction of sidewalks, and repairing the same; to grade Grades.
 the walks, streets, alleys, and to prescribe the manner of plank-
 ing or paving them; the cost and expenses of which to be
 paid by assessment on the lots in front of or adjoining which
 either or all of said improvements shall be made, but not other-
 wise; to construct and keep in repair the public highways, Highways.
 bridges, culverts, and sewers; to lay out new streets and alleys;
 to prescribe the levying and collection of highway and other
 taxes; to provide for taking a census whenever they shall see Census.
 fit; to regulate the running of locomotives and cars in the lim- Locomotives
 its of the village; to regulate grades of rail or plank roads; to Theatres.
 regulate theatres, shows, and concerts; to regulate and tax, at Auctioneers.
 their discretion, auctioneers, or auction sales, gift enterprises,

- Mill-races.** hawkers, hucksters, peddlers, and pawnbrokers; to regulate the covering of mill-races, at the expense of the owners thereof; to provide for the removing of drift-wood, and clearing the Kalamazoo river, and all the creeks and mill-races and ponds within the limits of the corporation, and to prevent the placing therein of any obstructions, and the depositing of any filth and impure matter tending to render the water thereof unwholesome, and so to regulate and improve the channels of the creeks as to secure the free and uninterrupted passage and discharge of the waters thereof; to rail and curb where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county, or State, excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to enact and impose, for the violation of any by-laws, rules, and regulations, such reasonable penalties and fines as may be imposed by the law itself, or as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Saugatuck; and any interest the inhabitants of the village of Saugatuck, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.
- Improving certain creeks.**
- Railing walks.**
- Levying taxes.**
- Fines, and how collected.**
- May license ferries.** *First.* The president and trustees shall have exclusive power to license, continue, and regulate so many ferries within said village for carrying and transporting persons and property across the Kalamazoo river, in such manner as shall be most conducive to the public good.
- Regulate the erection of wharves.** *Second.* To regulate the erection and repair of private wharves and docks, so that they shall not extend into Kalamazoo river beyond a certain line to be established by the president and

trustees, and to prohibit the encumbering of all public streets with boxes, carriages, carts, drays, sleighs, sleds, or other vehicles or thing whatsoever.

Third. To prevent all persons from bringing in vessels, or Paupers- any other mode, to this village, from any other port or place, any pauper, or other person likely to become a charge upon said village, and to punish them therefor.

Sec. 8. All taxes levied upon real estate, and all assessments Taxes a lien on real estate. made thereon for opening, widening, extending, paving, grading, planking, or repairing a street or alley, or making and repairing sidewalks, shall be and remain a lien upon said estate until paid.

Sec. 9. The president and trustees shall, at the expiration of Annual statement. each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

Sec. 10. No by-law or ordinance of said corporation shall When by-laws shall take effect. have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large upon the records of the corporation by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

Sec. 11. It shall be the duty of the president and trustees, Assessment roll. once in each and every year, and immediately after the assessors have assessed the real and personal estate, lying and being in said village, to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and shall give ten days' Notice of time and place for reviewing. notice by publishing thereof, of the time and place of review-

Warrant
attached.

Refusal to
pay; how
may be col-
lected.

ing said assessment roll under the supervision of the president and one assessor, that any party deeming himself aggrieved, may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongly assessed, and then they shall cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seal of said assessors and trustees, or a majority of them, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Distress and
sale.

Surplus
returned to
owner.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand.

Unpaid tax-
es; when
and how
collected.

Sec. 13. The tax upon real estate, with all the assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll by itself in a column; and whenever any such tax or assessment, and the interest thereon,

which shall be computed at the rate of fourteen per cent. per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments, and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of
sale.

Affidavit of
publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all claims the State shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act;

Treasurer to
sell lands.

Certificate of
purchase.

Conveyance.

Conveyance
used as
evidence.

and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Fees of
treasurer.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes, respectively, as are charged

Poll tax; how
collected.

upon lands and unpaid. The president and trustees shall have power to assess and collect, from every male inhabitant of said village, being over the age of twenty-one, and under fifty years, (except paupers, idiots and lunatics, and other persons who are by law exempt,) an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection or commutation of the same.

Money; how
drawn from
the treasury.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees; and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Trustees not
to become
security.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act.

Appointed
officers; how
long to hold
office.
Bond.

Sec. 18. No officer appointed by the president and trustees, shall hold his office more than one year, or until his successor is appointed; and the president and trustees may require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president of the corporation and his successors in office; and suit may be brought for any breach of

said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same. Suit against; how brought

Sec. 19. The marshal shall have the supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Saugatuck, (who shall hear and determine the matter, on proofs, in a summary way); to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own; and shall apprehend and imprison any person found drunk in the streets or public places of said village, until such person shall become sober: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases. Marshal; powers of. May enter gaming houses. Arrest disorderly persons. Compel aid at fire. Proviso.

Sec. 20. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall, in all cases, be made a matter of record by them. To be subject to control of trustees.

Sec. 21. A vacancy in the office of marshal, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the presi- Vacancy; how filled.

dent and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Compensat'n
of officers.

Sec. 22. The president and trustees shall receive as compensation for services at the rate of two dollars and fifty cents per day, for the time they are actually employed. The marshal shall receive such salary as the president and trustees may prescribe, not exceeding the rate of five hundred dollars for each year, which shall be in full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Village jail.

Sec. 23. The president and trustees shall have the power to build, remove, and keep in repair a building to be used as a village jail, and the marshal shall be the keeper of the same.

Firemen
exempt from
poll tax and
jury service

Sec. 24. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Trustees to
be commis-
sioners of
highways.

Sec. 25. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same powers, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected as taxes usually are, for constructing and repairing roads in the different townships, and shall have the exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, or extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise said power at any time during the year: *And provided also*, That nothing herein con-

Proviso.

tained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Saugatuck, for the repairing, building, or re-building of any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 26. All ordinances, by-laws and regulations of the corporation of the village of Saugatuck, which are in force at the time of the passage of this act, shall remain in full force and effect as if passed under the provision of this act: *Provided*, Present ordinances to remain in force. however, That they do not contain anything repugnant to the provisions of this act, or the constitution or the laws of this State or the United States. Proviso.

Sec. 27. This act shall be favorably construed and received in all courts, as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof. Public act.

Sec. 28. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation six months next preceding his election, and who shall be entitled to vote therein. Who eligible to office.

Sec. 29. The president and trustees shall have power and authority to lay out, establish, open, extend, widen, straighten, alter and improve such streets, highways, alleys, lanes, water-courses, squares, market places and public parks in said village as they shall deem necessary for the public good and convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same are to be used, and that the president and trustees will meet, on some day to be named in the resolution, to take action in regard to the matter; and Streets; private property used for.

- Mill-races.** hawkers, hucksters, peddlers, and pawnbrokers; to regulate the covering of mill-races, at the expense of the owners thereof; to provide for the removing of drift-wood, and clearing the Kalamazoo river, and all the creeks and mill-races and ponds within the limits of the corporation, and to prevent the placing therein of any obstructions, and the depositing of any filth and impure matter tending to render the water thereof unwholesome, and so to regulate and improve the channels of the creeks as to secure the free and uninterrupted passage and discharge of the waters thereof; to rail and curb where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county, or State, excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to enact and impose, for the violation of any by-laws, rules, and regulations, such reasonable penalties and fines as may be imposed by the law itself, or as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Saugatuck; and any interest the inhabitants of the village of Saugatuck, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.
- Improving certain creeks.**
- Railing walks.**
- Levying taxes.**
- Fines, and how collected.**
- May license ferries.** *First.* The president and trustees shall have exclusive power to license, continue, and regulate so many ferries within said village for carrying and transporting persons and property across the Kalamazoo river, in such manner as shall be most conducive to the public good.
- Regulate the erection of wharves.** *Second.* To regulate the erection and repair of private wharves and docks, so that they shall not extend into Kalamazoo river beyond a certain line to be established by the president and

trustees, and to prohibit the encumbering of all public streets with boxes, carriages, carts, drays, sleighs, sleds, or other vehicles or thing whatsoever.

Third. To prevent all persons from bringing in vessels, or Paupers- any other mode, to this village, from any other port or place, any pauper, or other person likely to become a charge upon said village, and to punish them therefor.

Sec. 8. All taxes levied upon real estate, and all assessments Taxes a lien on real estate. made thereon for opening, widening, extending, paving, grading, planking, or repairing a street or alley, or making and repairing sidewalks, shall be and remain a lien upon said estate until paid.

Sec. 9. The president and trustees shall, at the expiration of Annual statement. each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

Sec. 10. No by-law or ordinance of said corporation shall When by-laws shall take effect. have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large upon the records of the corporation by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

Sec. 11. It shall be the duty of the president and trustees, Assessment roll. once in each and every year, and immediately after the assessors have assessed the real and personal estate, lying and being in said village, to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and shall give ten days' Notice of time and place for reviewing. notice by publishing thereof, of the time and place of review-

Warrant
attached.

Refusal to
pay; how
may be col-
lected.

ing said assessment roll under the supervision of the president and one assessor, that any party deeming himself aggrieved, may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongly assessed, and then they shall cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seal of said assessors and trustees, or a majority of them, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Distress and
sale.

Surplus
returned to
owner.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand.

Unpaid tax-
es; when
and how
collected.

Sec. 13. The tax upon real estate, with all the assessments for the purpose named in the eighth section of this act, shall be put down in the said assessment roll by itself in a column; and whenever any such tax or assessment, and the interest thereon,

which shall be computed at the rate of fourteen per cent. per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments, and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of
sale.

Affidavit of
publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all claims the State shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act;

Treasurer to
sell lands.

Certificate of
purchase.

Conveyance.

Conveyance
used as
evidence.

and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Fees of
treasurer.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes, respectively, as are charged

Poll tax; how
collected.

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Money; how
drawn from
the treasury.

Sec. 16. No money shall be drawn from the treasury, except by appropriation of the president and trustees; and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Trustees not
to become
security.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty, to be done or performed by any person elected or appointed to any office under the provisions of this act.

Appointed
officers; how
long to hold
office.
Bond.

Sec. 18. No officer appointed by the president and trustees, shall hold his office more than one year, or until his successor is appointed; and the president and trustees may require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president of the corporation and his successors in office; and suit may be brought for any breach of

said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same. Suit against; how brought

Sec. 19. The marshal shall have the supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Saugatuck, (who shall hear and determine the matter, on proofs, in a summary way); to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own; and shall apprehend and imprison any person found drunk in the streets or public places of said village, until such person shall become sober: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases. Marshal; powers of. May enter gaming houses. Arrest disorderly persons. Compel aid at fire. Proviso.

Sec. 20. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall, in all cases, be made a matter of record by them. To be subject to control of trustees.

Sec. 21. A vacancy in the office of marshal, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the presi- Vacancy; how filled.

dent and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Compensat'n
of officers.

Sec. 22. The president and trustees shall receive as compensation for services at the rate of two dollars and fifty cents per day, for the time they are actually employed. The marshal shall receive such salary as the president and trustees may prescribe, not exceeding the rate of five hundred dollars for each year, which shall be in full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Village jail.

Sec. 23. The president and trustees shall have the power to build, remove, and keep in repair a building to be used as a village jail, and the marshal shall be the keeper of the same.

Firemen
exempt from
poll tax and
jury service

Sec. 24. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Trustees to
be commis-
sioners of
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Sec. 25. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same powers, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected as taxes usually are, for constructing and repairing roads in the different townships, and shall have the exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order fences to be

Proviso.

removed, and to remove such fences themselves, and to open, widen, or extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise said power at any time during the year: *And provided also*, That nothing herein con-

tained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Saugatuck, for the repairing, building, or re-building of any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 26. All ordinances, by-laws and regulations of the corporation of the village of Saugatuck, which are in force at the time of the passage of this act, shall remain in full force and effect as if passed under the provision of this act: *Provided*, Present ordinances to remain in force. however, That they do not contain anything repugnant to the provisions of this act, or the constitution or the laws of this State or the United States. Provided.

Sec. 27. This act shall be favorably construed and received in all courts, as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof. Public act.

Sec. 28. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation six months next preceding his election, and who shall be entitled to vote therein. Who eligible to office.

Sec. 29. The president and trustees shall have power and authority to lay out, establish, open, extend, widen, straighten, alter and improve such streets, highways, alleys, lanes, water-courses, squares, market places and public parks in said village as they shall deem necessary for the public good and convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same are to be used, and that the president and trustees will meet, on some day to be named in the resolution, to take action in regard to the matter; and Streets; private property used for.

Notice to owners. notice of such meeting shall be given to the owners or parties interested, or his, her, or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy [of] such resolution in one of the newspapers published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the president and trustees; and the president and trustees are hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the president and trustees, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept, under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or a constable of the county of Allegan, commanding him to summon a jury of twelve disinterested freeholders of said village to appear before any justice of the peace of the township of Saugatuck, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damage and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property, for their respective damage, or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party,

Negotiate with owner

Refusal to sell.

Jury to decide compensation.

Compensation tendered to owners.

persons or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the president and trustees to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Allegan, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of said justice therein, as aforesaid, such appellant first giving bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, lane, alley, square, water-course, market place or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Proceedings when damages are not allowed.

Proviso.

1844.

Sec. 30. The president and trustees are authorized to cause such of the streets, highways, alleys, and lanes in said village, as shall have been used for six years or more prior to the passing of same.

To cause the re-survey of streets, and the recording of same.

Street records to be presumptive evidence.

sage of this act, as public highways, streets, lanes or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described, and recorded in the office of the village recorder, in a book to be denominated the book of "street records;" and the common council shall cause a survey or description, and plat of every public ground, highway, park, street, lane, and alley, or part thereof, which shall be hereafter opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "street records," and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley, or of that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the president and trustees, vacating or closing any public ground, park, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

Trustees may levy tax at any time for streets.

Sec. 31. The president and trustees shall have power to assess and levy, at any time, by a special tax, the expenses of making, grading, paving, opening, and repairing streets, lanes, and alleys, and of putting curbstones and culverts therein; of grading, paving, or planking, and repairing sidewalks; of draining low lands; of making drains and sewers, and other local improvements upon the lots, premises and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers, and other improvements, and upon other lots and premises, which, in the opinion of the president and trustees, are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting any such tax, which shall be exclusive of, and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

Tax to be a lien on land.

Sec. 32. All acts and parts of acts, contravening the provisions ^{Acts} of this act, are hereby repealed. _{repealed.}

Sec. 33. This act shall take immediate effect.

Approved March 12, 1869.

[No. 265.]

AN ACT to incorporate the City of Corunna.

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} so much of the township of Caledonia, in the county of Shiawassee, as is included in the following territory, to-wit: the east half of sections twenty and twenty-nine, the west half of sections twenty-two and twenty-seven, and all of sections twenty-one and twenty-eight, in town seven north, of range three east, being in Shiawassee county, and State of Michigan, be and the same is hereby set off from the said township of Caledonia, and declared to be a city by the name of the city of Corunna, by which name it shall be hereafter known.

Sec. 2. The freemen of said city, from time to time, being ^{Body cor} inhabitants thereof, shall be and continue a body corporate and ^{porate and} politic, to be known and distinguished by the name and title of the city of Corunna, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate of said city.

Sec. 3. The said city shall be divided into three wards, ^{as} _{Wards.} follows: The first ward shall embrace all that portion of the city lying south of the Shiawassee river and west of the center

of Shiawassee avenue, and west of the center of the street or highway running south from the south end of Shiawassee avenue toward the Grand River road. The second ward shall embrace all that portion of the city of Corunna lying south of the Shiawassee river which is not included in the first ward. The third ward shall embrace all that portion of the city lying north of the Shiawassee river.

CHAPTER II.

ELECTIONS.

First elec-
tion; judges
and clerk of.

Sec. 1. The first annual election to be held under this act, shall be held in each of the several wards, on the first Monday of April, eighteen hundred and sixty-nine, (1869,) at the following places, to wit: In the first ward, at the old brick school-house; in the second ward, at the court house; in the third ward, at the flouring mill office of D. Bush; and there shall be chosen at said election in each of the said wards, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by some person duly authorized by law to administer oaths, faithfully and honestly to discharge the duties required of him as judge or clerk of such election, and they shall certify the result to the common council of the late village of Corunna, in the same manner as herein required for certifying the result of subsequent elections held under this charter to the common council of the city; and the persons constituting the common council of the village of Corunna, immediately preceding the time that this act shall take effect as a law, shall, as the common council of the late village of Corunna, have full power to canvass the votes, determine and certify the result, in the same manner that the common council of the city may do in subsequent elections held under this act, and with like effect.

Council to
canvass
votes.

Annual
elections;
time of hold-
ing.

Sec. 2. The annual elections, after the first under this act, shall be held on the first Monday of April in each year, at such places in each of the several wards as the common council shall

designate, notice of which shall be given by the clerk, at least ten days before the election, by posting the same in three public places in such wards, or by publishing the same in some newspaper printed in said city. The supervisor and aldermen of each ward shall be inspectors of such elections, and they shall also be inspectors of the State, district, county, and all other elections, and any one of them shall act as clerk thereof; and in the case of the absence of one or more of such inspectors, the electors may choose, *viva voce*, from their number, one or more to fill such vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace or notary public. The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged: *Provided*, That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the clerk of said city; and upon the Thursday next following the day of said election, the common council shall meet at the office of said clerk, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said clerk, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said clerk, who shall file the same in his office: *Provided*, That in case of the election of a recorder or one or more justices of the peace, the said clerk shall make a certificate thereof, and cause it to be delivered to the county

clerk, in the same manner as is required of township clerks; and in case two or more shall receive, for the same office, an equal number, and not a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer shall, before entering upon the discharge of his duties, give such security to the common council as they shall direct; and in case any of the officers so elected shall neglect, for the term of ten days, to qualify, as aforesaid, or to give security, the office shall thereby become vacant.

Treasurer to
give security

Electors;
qualification
of.

Proceedings
in case of
challenge.

Sec. 3. The inhabitants of said city, being electors under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at any such elections; and a person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths or affirmations provided by the laws of this State for electors at general and special elections, for the time being, which oath or affirmation may be administered to him by either of the inspectors of the election. Upon taking such oath or affirmation, if duly registered in said ward, he shall forthwith be permitted to vote. In all other respects, not herein provided, said elections shall be conducted, as near as may be, in accordance with the general statute providing for township elections.

Board of
election;
powers of.

Sec. 4. The board of election in each ward, at the first and all subsequent elections held therein, shall possess all the powers not inconsistent with this act, that boards of elections in townships possess, under and in pursuance of the laws of this State, and in all matters not otherwise provided for in this act, the laws of this State applicable to the holding of township meetings, shall apply to the holding of the first and of all subsequent annual elections held under this act, and all laws of this State, not inconsistent with this act, applicable to the holding of general elections in the townships of this State, shall apply to the holding of general elections in the several wards of said

city: *Provided*, That at the first election to be held in said city, Proviso. no person shall be excluded from voting in the wards in which he shall have resided for ten days next preceding said elections, for the sole reason that he is not properly registered in said ward, in case he is properly registered in the village of Corunna.

Sec. 5. At the first election, held by virtue of this act, the polls shall be opened in each ward, at the several places herein Time of opening the polls. designated, at nine o'clock in the morning, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed; and at all subsequent elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at nine o'clock in the morning, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed.

Sec. 6. At the first and at all subsequent annual elections Ballots; contents of. held under this act, the electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the electors intend to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office, than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear one of the following words: "Ward," "City;" but no ballot found in the proper box shall be rejected for want of such endorsement.

Sec. 7. The ballot endorsed "city" shall contain the names Common council; duty of, concerning election. of persons designated as officers for the city; the ballot containing the names of persons designated as officers for a ward shall be endorsed "ward." The common council of the late village of Corunna shall provide, for the first election to be held

under this act, two boxes for each ward, with locks and keys, in which these two kind of votes shall be deposited separately, and they shall also provide for each ward all other necessary boxes; and for all subsequent elections the common council of the city shall provide for each ward all necessary boxes.

Vacancies.

Sec. 8. If at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is elected for, for the said office, shall be designated on the ballot.

Inspectors
to declare
result.

Sec. 9. Immediately after the closing of the polls, the inspectors of election shall, forthwith without adjournment, publicly canvass the votes received by them, and declare the result, and shall, on the same day or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election or the next day, with the clerk of the city.

Duty of in-
spectors af-
ter election.

Sec. 10. It shall be the duty of the inspectors of election, on receiving the votes, as specified in section seven of this chapter, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list, to be kept by said inspectors of election, or under their direction: *Provided*, That at the first election held under this act, such statement and certificate shall be filed in the office of the clerk of the late village of Corunna.

Proviso.

Who deemed
elected.

Sec. 11. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officers shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take as many strips of paper of equal size, as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put said ballots together in a hat

Tie; how
decided.

or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn, shall be declared elected. If notice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time and place, and hold the election; and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *viva voce*, choose inspectors to act in their places: *Provided*, That if any election of officers under this act, shall not be held on the day when it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice thereof being given, as provided in this act.

Proceedings
when notice
of election is
not given.

Provide

CHAPTER III.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Sec. 1. The following officers of the corporation shall be elected by the qualified electors of the whole city, voting in their respective wards, viz: One mayor, one clerk, one recorder, one treasurer, and two justices of the peace; but the number of justices may be increased to three, whenever the common council shall, by ordinance or resolution, so determine; also two constables. The following officers of the corporation shall be elected on a ward ticket, by the qualified electors of each ward, viz: One supervisor and two aldermen.

Officers;
how elected.

Sec. 2. The following officers shall be appointed by the common council, on or before the first Monday in May of each year, viz: One marshal, one director of the poor, who shall possess all the power of a director or overseer of the poor of townships, under the laws of this State; also, one street commissioner for the entire city, or one for each ward, as the common council may determine, one pound master, one city attorney, and one or more fire wardens for the city.

How
appointed.

Sec. 3. The common council may also appoint so many police constables, night watch, inspectors of fire-wards, sealers of

Ibid.

weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted, and as the common council may, from time to time, direct.

Who eligible
to office.

Sec. 4. No person shall be eligible to either of said offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office of any ward, unless he shall then be an elector and resident of such ward; and when any officer, elected or appointed for the city, shall cease to reside in said city, or if elected or appointed for any ward, shall cease to reside in such ward, his office shall thereby become vacant.

Election of
officers; first
election.

Sec. 5. At the first election to be held in said city, there shall be elected by the electors of the whole city, voting in their respective wards, one mayor, one clerk, one recorder, two justices of the peace, one treasurer, and two constables. The mayor, treasurer, and constables shall each hold his office for the period of one year, and until his successor is elected and qualified. The clerk shall hold his office for two years, and until his successor is elected and qualified. The recorder and justices of the peace shall each hold his respective office for the period of four years, and until his successor is elected and qualified. There shall also, at the first election, be elected two aldermen, in each ward, by the electors thereof, one of whom shall hold his office for the term of one year, and until his successor is elected and qualified, and the other for the term of two years, and until his successor is elected and qualified; and the term for which the person voted for is intended, shall be designated on the ballot. There shall also be elected at said first election, in each ward, by the electors thereof, one supervisor, who shall hold his office for the term of one year, and until his successor is elected and qualified.

Annual
election.

Sec. 6. At the annual election, to be held under this act, on the first Monday of April, A. D. 1870, and at each annual election thereafter, there shall be elected in each ward, by the electors thereof, one supervisor and one alderman; and there shall also be elected, by the electors of the whole city, voting

in their respective wards, one mayor, one treasurer, and two constables, and at the annual election to be held in said city on the first Monday of April, A. D. 1871, and at the annual election to be held every two years thereafter, there shall be elected by the electors of the whole city, voting in their respective wards, one clerk. At the annual election to be held in said city on the first Monday of April, A. D. 1873, and at the annual election to be held every four years thereafter, there shall be elected by the qualified electors of the whole city, voting in their respective wards, one recorder and two justices of the peace.

CHAPTER IV.

VACANCIES IN OFFICE—WHEN THEY EXIST—HOW FILLED, &C.

Sec. 1. Every office shall become vacant on the happening of either of the following events, before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the city or ward for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged; his conviction of any infamous crime, or of any offense involving the violation of his oath of office; the decision of a competent tribunal, declaring void his election or appointment; or his refusal or neglect to take his oath of office, or to give or render any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That in case any vacancy shall occur in the office of any justice of the peace in said city, by the operation of this act, the clerk shall immediately transmit to the county clerk of said county a notice in writing, officially signed by him, informing the county clerk that the office of such justice of the peace is vacant.

Vacancies in office of elected officers.

Proviso.

Sec. 2. When any vacancies occur in any of the offices which are appointed by the common council, either by death, resignation, removal of the incumbent, or otherwise, the said council may fill such vacancy, by appointment, for the remainder of the unexpired term for which such officer was appointed.

In office of appointees; how filled.

In office of
aldermen;
how filled.

Sec. 3. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal, declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April of any year, it shall be optional with the common council to order a special election or not, as they deem expedient.

Provided.

Common
council to
fill vacancies
in certain
cases.

Sec. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, recorder, and justice of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the tenth day after the election next succeeding, or until his successor is elected and qualified; if an elective office, which shall have become vacant, was of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Notice of
special elec-
tion.

Sec. 5. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward where such officer is to be chosen, a notice, signed by the clerk, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings of such election shall be the same as at the annual city election.

CHAPTER V.

OF THE POWERS OF THE COMMON COUNCIL.

Sec. 1. The mayor, clerk, and aldermen, when assembled together and organized, shall constitute the common council of the city of Corunna, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meetings at such time as the mayor, or in case of his absence or inability to act, the clerk may appoint, and at such place as shall have been designated as council room by the common council. The common council shall have power to impose, levy, and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meetings of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor, recorder or clerk, from such meetings, the members present may appoint a president or clerk *pro tempore*. Each member of the common council shall be entitled to one vote; but the clerk shall not be required to act on any committee.

Common council; who to constitute.

Powers and duties of.

Sec. 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may dispose of the same, and make such rules and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said city to enact, continue, establish, annul, amend, and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

To have control of finances.

To pass laws relative to—

First. To prevent vice and immorality; to preserve public peace and good order; to organize, maintain and regulate a police of the city, when necessary, and to define the powers and duties of such police, or of any police officers; to prevent and [quell] riots, disturbances, and disorderly assemblies.

Immorality.

Police.

Riots.

Gaming
houses.

Second. To prevent and restrain disorderly and gaming houses, and houses of ill-fame; to prevent the exhibition or use of any and all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept or used for gaming purposes.

Billiard
tables.

Liquors.

Third. To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, minor, or other person in the habit of getting intoxicated, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers.

Auctions.

Shows.

Fourth. To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances or exhibitions, for money.

Nuisances.

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, purify, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said city.

Slaughter-
houses.

Sixth. To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible material or substances.

Gunpowder

Fire-arms.

Bonfires.

Seventh. Concerning the buying, carrying, selling and using of gunpowder or other combustible materials, and the exhibition of fire-works; the use of lights in barns, stables, and other buildings; and to regulate or prohibit the discharge of fire-arms within the limits of the city, or making of bonfires in streets or yards.

Incumbering
of streets.

Eighth. To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, or other public places in any manner whatever.

Ninth. To prevent and punish horse racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said city. Immoderate driving.

Tenth. To determine and designate the routes and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city. Routes of railroads.

Eleventh. To preserve the salubrity of the waters of Shiawassee river or other streams within the limits of said city; to prohibit or regulate bathing therein, and to provide for cleansing the same of drift-wood or other obstructions; to fill up all low grounds or lots covered or partly covered with water within the limits of said city, or drain the same, as they may deem expedient. Water.

Twelfth. To restrain and punish drunkards, vagrants, street beggars, and all disorderly persons, or keepers of gaming or disorderly houses, or other houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house. Drunkards Disorderly houses.

Thirteenth. To establish, maintain and regulate one or more pounds in said city, and to prohibit, restrain, or regulate the running at large of horses, cattle, sheep, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and of preserving the evidence, and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the Pounds. Cattle. Advertising animals in pounds. Preserving evidence of sale.

county of Shiawassee, or the courts held in said city shall have jurisdiction of any action of replevin, or other action against any pound master of said city, for or on account of any animal or animals, geese or poultry impounded, or for or on account of any act done by any such pound master, in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said city.

Dogs.

Fourteenth. To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets.

Unwholesome substances.

Fifteenth. To prohibit any person from bringing or depositing within the limits of said city any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his or her premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the city.

Cleaning sidewalks.

Sixteenth. To compel all persons in such part or parts of the city as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions, but the city shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood, or other obstructions.

Crying of goods.

Seventeenth. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Fines.

Eighteenth. To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies.

Cemetery.

Nineteenth. To purchase suitable grounds for a cemetery; survey and divide the same in such form and manner as they may deem proper; fix and determine the price of burial lots; sell and convey the same; ornament, fence and improve such cemetery, or any burial ground now in said city, and enlarge

the same; regulate the burial of the dead; preserve tomb-stones Burial of the dead. and monuments, and exercise a general control over all burial places in said city.

Twentieth. To provide for the lighting of the streets and Lighting streets. alleys, and the protection of the public lamps.

Twenty-first. To establish, order, and regulate the markets; Markets. to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, Sale of unwholesome meat. fish, vegetables, or other articles of food or provisions; impure, spurious, or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided, That* Provided, nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats, by the quarter, within the limits of the city.

Twenty-second. To establish, regulate, and preserve public Reservoirs. reservoirs, wells and pumps, and to prevent the waste of water.

Twenty-third. To regulate and establish the line upon which Building line. buildings may be erected, upon any street, lane, or alley, in said city, and to compel such building to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense.

Twenty-fourth. To establish fire districts, within which no Fire districts wooden building (except such as shall be authorized by the common council) shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain.

Twenty-fifth. To regulate and restrain hawking and peddling Peddling. in the streets, and to regulate and license pawn-brokers.

Twenty-sixth. To prescribe the duties of all officers appointed Duties and compensation of officers. by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.

- Carriages.** *Twenty-seventh.* To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and
- Wood.** the stand or stands for wood, hay, and produce exposed for sale in said city, and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred by this
- Fines.** act, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the recorder or justice who shall try the offender.
- Shade trees.** *Twenty-eighth.* To regulate and require the setting of shade trees in the streets of said city, and to provide for the preservation of the same; and any person owning real estate in said
- Allowing certain taxes to be used in setting out trees.** city, in front of which there is not a sufficient number of shade trees growing, may expend twenty-five per cent. of his or her highway labor or highway tax, in each and every year, in setting out shade trees along the margin of the streets or highways in front of such lands, at such distance from the margin of the street or highway as the common council may determine, or as the street commissioner may prescribe: *Provided*, That
- Proviso.** until the common council or street commissioner shall determine the distance such trees shall be set from the margin of the streets or highways, the same may be set not less than six nor more than ten feet from the margin of the street or highway.
- Sealer of weights and measures.** *Thirty-second.* To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures, shall apply to said city, except as herein otherwise provided.
- Enforcement of ordinances.** *Thirty-third.* The common council shall have full power to make all such by-laws and ordinances, rules and regulations as

they may deem proper for fully and effectually enforcing any and all powers conferred upon them by this act.

Sec. 3. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, the prevention of fires, the levying of taxes, the supplying of the city with water, and all other subjects of municipal regulation, not herein expressly provided.

Sec. 4. The common council shall have power to assess, levy, and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same; to employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house, or prison, at work or labor, either within or without the same, or upon any street or public work, under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances, or regulations as they may deem necessary for the good government of said city.

Sec. 5. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper, to secure said city, and the inhabitants thereof, against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain, and regulate all such fire engine, hook and ladder, and hose and bucket companies, as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings,

Firemen;
privileges of.

engines, and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding eighty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen; and every such company shall have power to appoint its own officers, and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the clerk a certificate, which shall be *prima facie* evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from payment of a poll tax.

Preservation
of public
health.

Dangerous
avocations.

Board of
health.

Sec. 6. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the city; to establish a board of health, and to invest it with such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization, and for the appointment of the proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Taverns.

Sec. 7. The common council shall have and exercise, in and over said city, the same powers in relation to the regulation of taverns, groceries, common victualers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of

cities and villages in relation to tavern-keepers and common victualers, and subject to the same conditions and limitations; and no person shall engage in or exercise the business of tavern-keeper, inn-holder, common victualer, or saloon-keeper within the limits of said city, until he is first duly licensed as such by the common council; and any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay, for every day he shall so exercise such business or occupation, the sum of two dollars, to be recovered by action of debt in the corporate name of said city, together with the costs of prosecution, before any justice of the peace of said city. The common council shall have power to grant licenses to authorize persons to exercise the business of tavern-keeper, inn-holder, common victualer, or saloon-keeper within said city, and may impose such fees, to be paid into the city treasury on the granting of such license, as they may see fit, but no license shall be granted for the sale of spirituous or intoxicating liquors. Licenses and fines.

Sec. 8. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs, to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving, or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or sidewalk of said city; to provide the width of any and all sidewalks, the material of which the same shall be built, the manner of construction, and the time within which any and all improvements shall be made. The common council shall also have full power to compel the owners or occupants of land, at their own expense, to repair, construct, make, grade, pave, plank or gravel, and curb and rail all sidewalks adjoining such lands, by resolution or ordinance: *Provided*, That no person owning or occupying farming lands which are not laid out into lots or blocks, shall be compelled to build or maintain in front of one farm or parcel of such farming land at his own individual expense, more than twenty-five rods of sidewalk; Sewers. Paving streets. Sidewalks. Provido.

but the foregoing proviso shall not apply to sidewalks now built, or to such as may have been ordered built by the common council of the village of Corunna, previous to the time this act shall take effect.

Common council to levy taxes for drains and sewers.

To sell private property for taxes.

Sec. 9. The common council shall have power, subject to the limitations and restrictions contained in this act, to determine in such manner as they may deem proper, what property will be benefited by any proposed drain, sewer or other improvement, and the just proportion which any and every parcel of land so adjoining to be benefited by any such drain, sewer, or other improvement ought to be taxed therefor; and the said common council may cause such drain, sewer or other improvement to be made, at the expense of the lands adjudged to be benefited thereby, and according to the benefits which each parcel of land will derive from such drain, sewer, or other improvement, according to the estimate or judgment of the said common council; and the said common council may levy, assess and collect, or cause to be assessed and collected from the owner or occupants of any such lands, his or her just proportion of such expense; and the said common council may provide for the collection of all such, and of every other assessment or tax for special purposes, by a sale of any personal property found upon any lands assessed, and for want of any, or of sufficient personal property whereon to levy and sell to collect such tax, then the officer whose duty it shall be to collect such tax shall proceed to levy, sell, and collect the same, or the balance that may remain uncollected, together with all costs of advertising and collecting, by a sale of real estate assessed, in the manner hereinafter provided.

To provide for the repair of cross-walks.

Sec. 10. The common council may provide for the immediate repair of cross-walks and sidewalks, and for collecting the cost or expense thereof in such manner as they may deem proper, subject to the restrictions herein contained; and they may determine the time and manner of assessing and collecting all highway taxes, and all other taxes except as herein otherwise provided; and they may enact such general by-laws

or ordinances in relation to the assessing and collecting of all such taxes not inconsistent with the constitution of this State or of the United States, as they may deem just and proper; and all by-laws or ordinances, rules or regulations adopted by the common council, by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts, and in all places whatsoever.

Assessment
of taxes.

Sec. 11. In addition to the powers conferred upon the common council by this act, they shall have and may exercise all the powers, within said city, of commissioners of highways, or which commissioners of highways in townships may exercise, under the laws of this State, now or hereafter in force; and the said common council, in the exercise of the powers and duties of commissioners of highways, as aforesaid, may adopt the same course that commissioners of highways may, or are required to adopt, or the mode herein pointed out for the exercise of such powers as they may deem proper; but the common council may lay out, open, and establish public streets or highways of a less or greater width than four rods as the public good may require.

Common
council to
have powers
of highway
commis-
sioners.

Sec. 12. It shall be the duty of the common council to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city in the book of street records; and the recording of such highways, streets, lanes, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described.

To cause
book of
"Street
Records" to
be made.

Sec. 13. On the last Tuesday in the month of February, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other

Annual
statement;
contents of.

officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Statement to
be publish'd.

Sec. 14. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; and the same shall be published at the expense of the city, in some newspaper, to be designated by the common council, previous to the second Monday of March next thereafter.

Style of or-
dinances.

Sec. 15. The style of all ordinances shall be: "It is hereby ordained by the Common Council of the city of Corunna." The sittings of the common council shall be public; and full minutes of the proceedings, together with all ordinances, by-laws, and regulations adopted, shall be published within ten days after such sittings, in at least one newspaper printed in said city.

Money;
when coun-
cil may bor-
row.

Sec. 16. To enable the common council to build or repair bridges, and fully and effectually carry out and perform any and all powers conferred upon them by this act, they may borrow money at a rate of interest not exceeding ten per cent. per annum, and issue the bonds of the city therefor, signed by the mayor and clerk; but no money shall be borrowed for a longer period than ten years, nor shall the sum of any and all indebtedness, for money thus borrowed by the common council, ever exceed the sum of two thousand dollars; and if the common

Rate of in-
terest on,
limited.

council shall deem it necessary to borrow more money than is above provided for, the question of making such loan shall be submitted to the qualified electors of said city, at some annual, or special election called for that purpose, in the same manner as other special elections are called under this act; but before any loan of money shall be authorized by a vote of the electors of said city, written or printed notices shall be posted by the clerk in at least two places in each ward, specifying the object or objects for which money is proposed to be borrowed. The common council may provide, by ordinance, the manner of voting upon any question of borrowing money; but the votes shall be canvassed, and the result certified and determined in the same manner as the result of other votes are canvassed by the provisions of this act: *Provided*, That the total indebtedness of the city for borrowed money shall never exceed ten thousand dollars at any one time.

Manner of raising extra money.

Sec. 17. Whenever any money shall be borrowed by the common council by authority from the electors of said city, the bonds shall be signed by the mayor and clerk, and all deeds of land sold by the common council shall be executed by the mayor and clerk, and when duly acknowledged by them, may be recorded as other conveyances, and with like effect.

Bonds; by whom signed.

Sec. 18. The common council shall have power to compel all regular passenger trains, express trains, or other regular train or trains of cars carrying passengers through said city, to stop at the depot in said city long enough to take on and let off any and all passengers that may desire to get on or off from any and all such trains, and they may make any and all ordinances which they may deem proper to enforce such power, subject only to the restrictions contained in this act.

Common council to regulate the passage of cars.

Sec. 19. No ordinance of the common council, imposing a fine or imprisonment, shall take effect until the expiration of ten days from the time that the same shall be published in some newspaper printed and published and circulated in said city: *Provided*, That this section shall not apply to ordinances passed by the common council of the village of Corunna, or to

When ordinance shall take effect.

Provided.

such as may be in force in said village at the time this act takes effect as a law; but all ordinances in force in said village of Corunna at the time this act shall take effect, which are not inconsistent therewith, and which the said common council of the village of Corunna could legally pass, shall apply to said city, and shall be and remain in full force therein until amended or repealed by the common council of the city of Corunna.

How ordinances may be proved.

Sec. 20. All by-laws, regulations, resolutions and ordinances may be proved in the manner provided by an act entitled "An act to provide for proving the by-laws, ordinances and resolutions of incorporated cities and villages in certain cases," approved March 18, 1865.

Council may punish driving on sidewalks, etc.

Sec. 21. The common council may prevent and punish the riding or driving of any beast or team upon any side walk, or the doing of any act injurious or dangerous to any of the property of said city, or of the property of any of the inhabitants thereof, or which shall be dangerous to the life or health of any of the inhabitants of said city; and whenever, by this act, the common council are given any power, they may adopt by-laws or ordinances, rules and regulations, relative thereto.

Proceedings when private property is taken for streets.

Sec. 22. If in laying out or altering any street, lane or highway, the common council shall require for such purpose the ground of any person, they shall give notice thereof to the owner or person interested, or his or their agent or representative, by personal service, or by written notice posted in three of the most public places in said city, at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and the common council are authorized to treat with such person or persons for the grounds or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the recorder of said city to issue *venire facias*, to command the marshal of said city to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said city, to appear before said recorder, at a time therein to be sta-

Council to treat with owner.

ted, to inquire into and determine the necessity for using such ground, and the just compensation to be paid therefor to the owner or owners of or parties interested in said grounds or premises, which jury, being first duly sworn by said mayor or recorder, faithfully and impartially to inquire into the necessity for taking or using such ground, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such ground and premises, for their respective injuries, according to the several interests or estates therein; and said recorder shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley shall be made, laid out, altered or opened, to the claimant or claimants thereof. It shall thereupon be lawful for such common council to cause such ground to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his or her, or their intention so to do, to said recorder, in writing, within ten days, or in case of the absence of said party from said city at the time of rendering of said judgment, then within thirty days after the verdict of such jury and the judgment of such recorder as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said recorder, within forty days after the verdict and judgment aforesaid, in the circuit court, or any other court of record having appellant jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the recorder at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal.

Jury to decide compensation.

To assess damages.

Award to be tendered to owner.

Provided.

Ibid.

CHAPTER VI.

OF THE POWERS AND DUTIES OF OFFICERS.

Mayor;
powers and
duties of.

To punish
offenders.

To preserve
order in
council
room.

To adminis-
ter oaths.

City clerk;
duties of.

To keep
record of
proceedings

Sec. 1. The mayor shall be the chief executive officer of the city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer, and see that all the officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council are faithfully observed. He shall have the same power as conservator of the peace within the limits of the city as any justice of the peace has, or may by law have; and to this end it shall be lawful for him, when any person shall, in his presence, be guilty of a breach of the peace, or a violation of any of the ordinances of the common council, punishable by fine or imprisonment, to direct the marshal, or other officer, forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power, and it shall be his duty, to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours. The mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, perform marriage ceremonies, and all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

Sec. 2. The city clerk shall perform all the duties, and have all the statutory powers of a township or city clerk, in respect to the filing and custody of all papers required to be filed, and the performance of all other statutory duties. He shall keep a record of the proceedings of the common council, and a

record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council, and if required, keep an account, as near as may be, to which fund the same belongs; and he may have a deputy, who may perform all the duties of clerk. May have a deputy.

Sec. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. Aldermen; duties of. To act upon committees. To order arrest of disorderly persons. To maintain order.

Sec. 4. The marshal of said city shall be the chief of police; see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons, in the discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State, as sheriffs or constables have by law to execute similar process. The marshal shall also possess all the powers of a constable under the laws of this State, or which constables in townships have, and such other powers and duties as are mentioned in this act, or as the common council acting under the powers in this act conferred, may prescribe. He shall execute any and all deeds of conveyances of land sold for Marshal; powers and duties of. To be chief of police. May appoint deputies. Have powers of constable. Execute deeds.

taxes by the marshal of the late village of Corunna, in the same manner, and with the like effect as said marshal of said village of Corunna or his successor in office might have done, had not this act been passed.

City attorney;
duties of.

Sec. 5. The city attorney, under the direction of the common council, shall have charge of and conduct all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council boards of the city and their officers and committees, upon all matters appertaining to the business of said city, and the enactment of its laws and ordinances, when submitted to him for his opinion.

Treasurer;
duties of.

Sec. 6. The city treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants drawn by the mayor and clerk, and for school purposes, upon proper authority. He shall, once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office, when required. He shall also receive all moneys belonging to the city, and collect all taxes levied or assessed therein, except as otherwise provided herein, and for that purpose he shall give bond to said city in such sum and with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Shiawassee such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer on giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as prescribed

Bond of.

To have
same powers
as township
treasurers.

by law, and shall also perform such other duties, respecting the collecting and return of taxes, as this act imposes. The treasurer shall have the custody of all bonds, mortgages, notes, leases, and evidences of debt belonging to the corporation. Have custody of bonds, etc.

Sec. 7. The supervisor of each ward within and for his respective ward shall have and exercise within his respective ward, all the powers, authority and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Shiawassee, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform as supervisors such other duties as by this act shall be required of them. Supervisors; powers and duties of.

Sec. 8. The assessor shall make the annual assessment of all property, real and personal, in each of the wards of said city which is liable to assessment, as hereinafter more particularly provided, and he shall, when so directed by the common council, make any assessment upon real estate in said city liable to taxation for special purposes, but which is not liable to be assessed for general purposes; and in such cases the common council may correct, revise and confirm such assessment. The assessor shall also prepare and return a list of persons to serve as jurors, as hereinafter provided in this act. Assessor; duty of.

Sec. 9. The recorder shall be (by virtue of his office) a justice of the peace, with all the like powers and duties as other justices of the peace in said city, and shall give bond, and take the oath of office, as justices, before entering on the discharge of the duties thereof; but his title as such justice shall be "recorder," and his court shall be denominated the "recorder's court of the city of Corunna." The records of such court, and all papers filed therein, shall be delivered by the recorder to his successor in office, who shall proceed in all cases and determine the same, without notice to parties. Recorder; powers and duties of. Bond of.

To possess
powers of
circuit court
commis'r.

Sec. 10. The recorder shall, in addition to the powers and duties hereinbefore or hereinafter mentioned, possess the same powers and duties as are now exercised by the circuit court commissioner of the county of Shiawassee, and he shall possess the qualifications requisite therefor, and the recorder is authorized to demand and receive the same fees for the service so rendered, as are now by law permitted to be demanded and received by the circuit court commissioner.

To fill vacan-
cy in office of
mayor.

Sec. 11. The recorder shall possess the same powers, and perform and discharge the municipal duties of mayor during the absence or inability, death, resignation, or removal of the mayor.

May be
impeached.

Sec. 12. The recorder shall be subject to impeachment and removal from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provisions of the constitution of this State.

To have
same author-
ity as justice
of the peace.

Sec. 13. Whenever any power, authority or jurisdiction is conferred by this act upon a justice of the peace, or justices of the peace of said city, the same shall be conferred upon the recorder, as one of the justices of the peace of said city; and it shall not be necessary, to confer such jurisdiction, either in this act or in any ordinance or by-law, to mention said recorder or his court when speaking of, or reference is made to the justices of the peace, or justices' courts of said city.

Justices of
the peace;
powers and
duties of.

Sec. 14. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Shiawassee, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships, and shall have jurisdiction of all actions brought for the recovery of any fine, penalty or forfeiture imposed by this act, or any ordinance of said city.

To attend to
complaints.

Sec. 15. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services, when

engaged in cases for violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Sec. 16. All fines, penalties and forfeitures recovered before any of said justices shall, when collected, be paid into the city treasury, and each of such justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for or on account thereof, which moneys so received, or which may be in his hands, collected on such fines, penalties or forfeitures, shall be paid into the said treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office. The recorder and other justices of the peace of said city, shall qualify in the same manner and give the like security required by law of justices of the peace elected in townships, and all the laws of this State, applicable to justices of the peace elected in townships, and to the courts held by such justices of the peace, (except as otherwise provided in this act,) shall apply to the recorder and other justices of the peace of said city and to the courts held by such recorder and other justices of the peace of said city.

To pay all fines into city treasury.

To make report to common council.

Shall qualify in same manner as justices in townships.

Sec. 17. The police constables of said city shall have and receive the same fees, and have the like powers and authority, in matters of a criminal nature, as is conferred by law upon constables in the several towns of the State, and shall, if required by the common council, give like security; and each constable shall possess the same powers and be under the same duties and obligations as constables of townships, and shall give like security.

Police constables; powers and duties of.

Sec. 18. The mayor, clerk, and recorder shall be *ex officio* school inspectors of said city, and shall perform the same duties as school inspectors of townships; and, in the performance of such duties, such school inspectors shall be governed by the same laws as school inspectors in town-

Board of school inspectors; who to constitute.

ships. The clerk of said city shall be clerk of the board of school inspectors. The common council may, however, at any time, provide by ordinance, for the election or appointment of school inspectors. The street commissioners of the several wards, and such other officers or persons as the common council may direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing, and opening of all streets, lanes, alleys, sidewalks, cross-walks, or other public grounds within the limits of their respective wards, in such manner as he or they may be from time to time directed; the street commissioners shall collect all capitation or poll taxes in their respective wards, and all resident highway labor, or tax therein, which overseers of highways are authorized to collect in their respective highway districts; and such street commissioners shall severally be overseers of highways, and vested with all the powers of overseers of highways under the laws of this State, now or hereafter in force in this State; and such street commissioners may severally pursue and adopt the same course in collecting all highway tax, and in the performance of all duties as overseers of highways, that overseers of highways in townships may adopt, or they may collect all such taxes in such manner as the by-laws or ordinances in force in said city may prescribe; and each street commissioner shall give a bond, in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over all moneys that may come into his hands as such officer, by virtue of his office; and such street commissioner shall receive as compensation for his services such sum as the common council may direct and allow; and each street commissioner shall be the fence-viewer of his ward, and possess all the powers and be subject to the same liabilities as fence-viewers in townships.

Clerk of.

Street commissioners;
powers and
duties of.To collect
poll-tax.To be overseers of
highways.

To give bond

Compensation

To be fence
viewer.

Sec. 19. All other officers, whose duties are not herein expressly prescribed, and which the common council are herein authorized to appoint, shall perform such duties, and give such security as the common council may require; and all officers appointed by the common council, or who shall have the control or management of any of the money or property of the city, may be required to give such security as the common council may prescribe and approve, and in default thereof, the common council may declare their office vacant.

Regulations concerning all other officers of corporation.

CHAPTER VII.

COURTS OF JUSTICE, FINES, PENALTIES, AND LEGAL PROCEEDINGS.

Sec. 1. The justices of the peace in said city hereinbefore mentioned, shall be deemed justices of the peace of the county of Shiawassee, and shall have all the powers and jurisdiction given by the general laws of this State in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Shiawassee, in the same manner as appeals from justices' judgment and convictions in towns are made: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts, when the plaintiff or defendant, or one of the plaintiffs or defendants resides in a township adjoining the township of Caledonia, or in the township of Vernon.

Justices of the peace; further powers of.

Proviso.

Sec. 2. Any justice of the peace residing in said city of Corunna, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him, in writing, to inquire into, and hear, try, and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders, as by said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the

To try and punish offenders.

To award all process, etc.

Sheriff to
take charge
of prisoners.

person charged, and upon appeal, and to commit to prison as occasion may require. The corporation of the city of Corunna shall be allowed the use of the common jail of the county of Shiawassee for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall keep safe the person so committed until lawfully discharged, as in other cases.

Justice to
order arrest
of offenders.

Sec. 3. Whenever any person shall be charged with having violated any ordinance or by-law of the city, in which the offender is liable to imprisonment, any justice of the peace of said city, to whom complaint shall be made, shall issue a warrant to the sheriff, or any constable of said county, or the marshal of said city, commanding him or them, in the name of the people of the State of Michigan, to bring the body of such person before him forthwith, to be dealt with according to law, and to answer unto the city of Corunna; and any such officer to whom such warrant shall be delivered for service, is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process; and all process issued by any justice of the peace, to enforce or carry into effect any of the by-laws or ordinances of the city of Corunna, may be delivered to the sheriff or any constable of the county of Shiawassee, or to the marshal of the city of Corunna, and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Sheriff to
execute
warrant.

Expenses of
apprehend-
ing offend'rs;
how paid.

Sec. 4. The expenses of apprehending, examining, and committing offenders against any law of this State in the said city, and of their confinement, shall be audited and allowed, and

paid by the supervisors of the county of Shiawassee, in the same manner as if such expenses had been incurred in any town of said county; and the board of supervisors of said county of Shiawassee shall audit and allow all legal charges against said county, presented to said board by any justice of the peace or constable of said city.

Sec. 5. Warrants issued by justices of the peace for the apprehension of persons charged with violating any ordinance or by-law of the city of Corunna, shall recite the substance of the complaint, and shall command the officer to whom the same is directed, as provided in section three of this chapter; and on the person charged being brought before the justice who issued the warrant, the same proceedings shall be had, as near as may be, as is provided by law for the trial, conviction, and punishment of offenders against the laws of this State, or for the trial of such offenders, as justices of the peace have jurisdiction to hear and determine.

Warrants issued by justices; contents of

Proceedings at trials.

Sec. 6. When any person shall violate any ordinance of the city of Corunna, the violation of which is only punishable by fine, the same may be sued for by the attorney of the city, or any member of the common council, in the name of the city of Corunna, before any justice of the peace of said city; and in such case the justice shall issue a summons, returnable not less than two nor more than six days, which may be directed to the marshal, sheriff, or any constable of said county, and may be served by any one of said officers; but the same shall be served at least two days before the return thereof, in the same manner as summonses issued by justices of the peace, under the laws of this State, and the same provisions and principles of law (not inconsistent with this act) shall apply in relation to said summons, the service and return thereof, and all subsequent proceedings in, to and including the rendition of judgment therein, as applies to the collection of penalties before justices of the peace, under the general laws of this State, except that any penalty (not exceeding the amount limited in

Attorney of city to sue offender for fine.

Summons.

How served.

taxes by the marshal of the late village of Corunna, in the same manner, and with the like effect as said marshal of said village of Corunna or his successor in office might have done, had not this act been passed.

City attorney;
duties of.

Sec. 5. The city attorney, under the direction of the common council, shall have charge of and conduct all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council boards of the city and their officers and committees, upon all matters appertaining to the business of said city, and the enactment of its laws and ordinances, when submitted to him for his opinion.

Treasurer;
duties of.

Sec. 6. The city treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants drawn by the mayor and clerk, and for school purposes, upon proper authority. He shall, once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office, when required. He shall also receive all moneys belonging to the city, and collect all taxes levied or assessed therein, except as otherwise provided herein, and for that purpose he shall give bond to said city in such sum and with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Shiawassee such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer on giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as prescribed

Bond of.

To have
same powers
as township
treasurers.

by law, and shall also perform such other duties, respecting the collecting and return of taxes, as this act imposes. The treasurer shall have the custody of all bonds, mortgages, notes, leases, and evidences of debt belonging to the corporation. Have custody of bonds, etc.

Sec. 7. The supervisor of each ward within and for his respective ward shall have and exercise within his respective ward, all the powers, authority and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Shiawassee, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform as supervisors such other duties as by this act shall be required of them. Supervisors; powers and duties of.

Sec. 8. The assessor shall make the annual assessment of all property, real and personal, in each of the wards of said city which is liable to assessment, as hereinafter more particularly provided, and he shall, when so directed by the common council, make any assessment upon real estate in said city liable to taxation for special purposes, but which is not liable to be assessed for general purposes; and in such cases the common council may correct, revise and confirm such assessment. The assessor shall also prepare and return a list of persons to serve as jurors, as hereinafter provided in this act. Assessor; duty of.

Sec. 9. The recorder shall be (by virtue of his office) a justice of the peace, with all the like powers and duties as other justices of the peace in said city, and shall give bond, and take the oath of office, as justices, before entering on the discharge of the duties thereof; but his title as such justice shall be "recorder," and his court shall be denominated the "recorder's court of the city of Corunna." The records of such court, and all papers filed therein, shall be delivered by the recorder to his successor in office, who shall proceed in all cases and determine the same, without notice to parties. Recorder; powers and duties of. Bond of.

Statement
to be made
by board of
review.

Sec. 3. When the said board has reviewed and completed the assessment rolls for each ward, it shall be their duty, or the duty of a majority of the members of said board, to attach to each of said rolls signed by them, a certificate, which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in ward number (one, two, or three, as the case may be,) in the city of Corunna liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

Certificate;
who allowed
to make.

Sec. 4. Any of the members of said board, except the assessor, may make such certificate from such knowledge as they may possess, are able to obtain from said assessor, or can acquire while sitting on said board.

Ward assess-
ment rolls,
to be deliv-
ered to ward
supervisors.

Sec. 5. When the said assessment rolls for the several wards are thus completed, it shall be the duty of the assessor to deliver forthwith, or on demand, to the supervisor of each of the several wards, the assessment roll of such ward, and thereupon the duty of the several supervisors, in relation to said roll so delivered to him, and in relation to all other matters not inconsistent with the provisions of this act, shall be the same as those of supervisors of townships.

Supervisor
to complete
tax roll.

Sec. 6. Every supervisor in said city shall complete the tax roll of his ward, and deliver the same, with his warrant thereto attached, to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such city treasurer as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and in the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to

Provided.

collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doing thereon, in the same manner, and shall have all the power, and shall perform all the duties, and be subject to the same liabilities in this act conferred upon the city treasurer of said city for the purpose of the collection and return, and paying over said taxes.

Sec. 7. For the collection of all such taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council, not exceeding two per centum upon the sum to be collected, which sum shall be added in the computation of the taxes, on said tax roll, of the respective wards of said city; the said treasurer shall collect the tax rolls put into his hands by the several supervisors, within the same time and in the same manner that the several township treasurers of this State are required to collect their tax rolls, and he shall make his return to the county treasurer within the same time, and in the same manner as township treasurers, and he shall possess all the powers and perform all the duties of township treasurers of this State as prescribed by law, which are not inconsistent with this act.

City treasurer; compensation of, for collecting taxes.

To make return to county treasurer.

Sec. 8. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax, more than one and one-fourth per cent. for city purposes, on the assessed property of the same, in any one year, exclusive of State, county, school and highway taxes.

Common council to levy tax on personal estate.

Proviso.

Sec. 9. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one and under the age of fifty years, (except paupers, idiots, lunatics, and persons otherwise exempted by law,) an annual capitation or poll tax not exceeding one dollar, and they may provide by their by-laws for the collection of the

To collect poll tax.

Proviso. same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council; the residue of the highway labor to assess in each of the wards of said city, not exceeding one day's work upon one hundred dollars of the valuation shall be apportioned upon the estate, real and personal, of every inhabitant of each of said wards, and upon each tract or parcel of land in the respective wards of which the owners are non-resident, as the same shall appear by the assessment roll of such ward for the same year: *Pro-*

Ibid. *vided*, That the common council may cause the highway tax, not exceeding one per cent. of the valuation as aforesaid, to be assessed and collected in money.

**Taxes;
manner of
raising.**

Sec. 10. All State, county, and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for the non-payment of taxes, shall be in conformity with proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided.

**How extra
taxes may
be raised.**

Sec. 11. The common council may, by ordinance, provide for the collection of taxes and assessments necessary to be raised, other than such as may be raised as provided in section ten of this chapter, and they may provide for a sale of any personal property found upon the real estate assessed, or in possession of the owner of such real estate belonging to him; and for want of sufficient personal property whereon to levy, they may provide for the sale of any real estate assessed, or all special taxes; or, taxes assessed in said city other than such as are mentioned in said section ten, may be assessed and collected in

the same manner that such taxes might have been assessed and collected in the village of Corunna, had not this act been passed; and in such case all the provisions of law which were applicable to the collection of special or other taxes in the village of Corunna previous to the passage of this act, and to the sale, redemption, and conveyance of lands, for the collection of such taxes, and all other matters pertaining thereto, shall apply as fully as if the same were expressly incorporated in this act; but the common council may provide for certifying all special taxes to the supervisor of the ward in which the lands assessed for such taxes are situated; and in such cases the taxes so certified to the supervisor shall be by such supervisor assessed upon the premises in the next tax roll to be made by such supervisor, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return, and sale of premises for non-payment of the ordinary city taxes.

Council to provide for certifying special tax.

Sec. 12. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year, and to apportion the sum so to be raised, among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors of Shiawassee county for such year; and also to notify each of the supervisors of the several wards of said city, of the amount so apportioned to their respective wards, within five days after the board of supervisors of said county shall have completed the equalization of the valuation of the property in the said wards of said city and said townships of said county, for such year; and it is hereby made the duty of each supervisor of the several wards of said city, to levy the sum so apportioned to his respective ward, and such other

Time for deciding am't of tax to be raised.

Notice to supervisors to levy taxes.

taxes as may be required by law, upon the taxable property of such ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Taxes to be
a lien on
property.

Sec. 13. The taxes so levied for city purposes, and all other purposes, shall be and remain a lien upon the property on which the same was levied or assessed, in the same cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State, are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city and other taxes, except as herein otherwise provided.

Want of
form, not to
make tax
illegal.

Sec. 14. No general or special tax, assessed in said city, upon any property therein, shall be held illegal or invalid for want of any matter of form in any matter or thing not affecting the merits of the case, and which shall not injure or prejudice the rights of the party assessed; nor shall any excess of tax render any sale of property invalid, unless it shall appear that the legal tax, costs and charges were tendered to the officer collecting the same, before a sale of the property was made, or in case of the sale of real estate, unless it shall be made to appear that all legal taxes assessed upon such real estate were tendered to the officer authorized to receive such redemption money, before the time of redemption expired, and all taxes assessed in said city shall be presumed to be legally assessed, until the contrary is affirmatively shown; and no such presumption shall be rebutted, or any sale for taxes assessed in said city rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found; but until the contrary is proven, the presumption shall be, in all such cases, that such paper, certificate, return or affidavit was made and filed in the proper office.

Excess of
tax not to
render sale
of property
invalid.

Neglect to
file certifi-
cate, etc., not
to invalidate
any sale.

CHAPTER IX.

SALARIES OF OFFICERS.

Sec. 1. The officers of said corporation shall be entitled to receive out of the city treasury, the following sums, in full payment of their services: The mayor shall be paid one dollar per annum; the aldermen shall each receive, for all services connected with their duties as members of the common council, the sum of five dollars per annum; the city clerk shall receive, for all services for the city, such sum as the common council shall allow, not exceeding one hundred and twenty-five dollars per annum; the city attorney shall receive from the city, for all services rendered therefor, such sum as the common council shall allow, not exceeding one hundred and twenty-five dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed by law for similar services, and he shall also receive such further compensation from the city as the common council shall allow, not exceeding fifty dollars per annum; and any officer in said city who shall be authorized to arrest any person for any offense against any of the by-laws of said city, shall, for making such arrest, either with or without process, be entitled to receive and collect, as costs from the person so arrested, if guilty, the sum of one dollar in full for making any such arrest in the city; the recorder and other justices of the peace and constables shall be allowed the same fees as are allowed by law to corresponding township officers; the supervisors, street commissioners, and inspectors of election shall each receive such sum per day for actual services rendered for the city, not exceeding two dollars, as the common council shall allow, and all other officers, surveyors, or persons performing any services for the city, shall receive such compensation as the common council shall allow, or as they may fix and determine by ordinance or resolution.

MISCELLANEOUS PROVISIONS.

Chairman of
any commit-
tee of council
to administer
oaths.

Sec. 1. The chairman of any committee or special committee of the common council shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee.

Perjury

Sec. 2. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Suit against
any officer.

Sec. 3. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

When officer
shall receive
double costs.

Council to
assess ex-
pense of
building
sidewalks,
etc.

Sec. 4. The common council shall have power to cause the expense of making, grading, paving, and opening of streets, lanes, alleys, sidewalks, cross-walks, parks, public grounds and other local improvements to be assessed in whole or in part against the owner or occupants of lots and premises to be benefited thereby, or by general tax in whole or in part, as they may deem just and proper, or as herein otherwise provided, subject only to the restrictions in this act contained in relation to sidewalks.

Duties of
standing
committees.

Sec. 5. The duties of standing committees shall be prescribed by general ordinance. Such committees shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them; and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the marshal or other officers of the corporation, all needful powers for the purposes aforesaid.

Sec. 6. The common council shall hold regular sessions at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time, as may be deemed expedient; and they may hold special sessions and adjourn the same in the same manner as regular sessions, and they may provide for calling special sessions, otherwise than as herein provided.

Sessions of the common council; when held.

Sec. 7. All bridges in said city over the Shiawassee river and waste-~~race~~ from the pond, hereafter required to be built, rebuilt, maintained or repaired, shall be built, rebuilt, maintained and repaired by the city; but the expense of building, rebuilding, maintaining and repairing all such bridges shall be borne and sustained by the city, and the township of Caledonia, proportionate to the valuation of the real and personal estate in said city and township, as shall appear by the equalized assessment rolls of said city and township, as equalized by the board of supervisors of the county of Shiawassee for the same year in which any such expenses were incurred; and it shall be the duty of the common council, as soon as may be after the equalization of such assessment rolls as aforesaid, to ascertain and determine the amount of all expenses incurred for any of the purposes in this section mentioned, and they shall equalize and determine the amount or proportion of such expenses to be raised, assessed, collected, and paid over by the township of Caledonia to the city, and the city clerk shall certify the amount so determined or required to be raised by the township of Caledonia, to the supervisor of said township, and the amount so certified shall be assessed by said supervisor of said township, on the taxable property of said township, in the next tax roll thereafter made by such supervisor, and the same shall be assessed and collected in the same manner that other township expenses are required to be assessed and collected; and when the whole, or any portion of such tax shall be collected, the treasurer of the city shall have the right to demand and receive from the treasurer of the township the amount so collected and not paid over; and it shall be the duty of the treasurer

Bridges; expenses of building, how paid.

Money for, raised by assessment.

Township treasurer to deliver over amount collected to city treasurer.

Proviso. same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council; the residue of the highway labor to assess in each of the wards of said city, not exceeding one day's work upon one hundred dollars of the valuation shall be apportioned upon the estate, real and personal, of every inhabitant of each of said wards, and upon each tract or parcel of land in the respective wards of which the owners are non-resident, as the same shall appear by the assessment roll of such ward for the same year: *Pro-*

1814. *vided*, That the common council may cause the highway tax, not exceeding one per cent. of the valuation as aforesaid, to be assessed and collected in money.

**Taxes;
manner of
raising.**

Sec. 10. All State, county, and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for the non-payment of taxes, shall be in conformity with proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided.

**How extra
taxes may
be raised.**

Sec. 11. The common council may, by ordinance, provide for the collection of taxes and assessments necessary to be raised, other than such as may be raised as provided in section ten of this chapter, and they may provide for a sale of any personal property found upon the real estate assessed, or in possession of the owner of such real estate belonging to him; and for want of sufficient personal property whereon to levy, they may provide for the sale of any real estate assessed, or all special taxes; or, taxes assessed in said city other than such as are mentioned in said section ten, may be assessed and collected in

the same manner that such taxes might have been assessed and collected in the village of Corunna, had not this act been passed; and in such case all the provisions of law which were applicable to the collection of special or other taxes in the village of Corunna previous to the passage of this act, and to the sale, redemption, and conveyance of lands, for the collection of such taxes, and all other matters pertaining thereto, shall apply as fully as if the same were expressly incorporated in this act; but the common council may provide for certifying all special taxes to the supervisor of the ward in which the lands assessed for such taxes are situated; and in such cases the taxes so certified to the supervisor shall be by such supervisor assessed upon the premises in the next tax roll to be made by such supervisor, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return, and sale of premises for non-payment of the ordinary city taxes.

Council to provide for certifying special tax.

Sec. 12. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year, and to apportion the sum so to be raised, among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors of Shiawassee county for such year; and also to notify each of the supervisors of the several wards of said city, of the amount so apportioned to their respective wards, within five days after the board of supervisors of said county shall have completed the equalization of the valuation of the property in the said wards of said city and said townships of said county, for such year; and it is hereby made the duty of each supervisor of the several wards of said city, to levy the sum so apportioned to his respective ward, and such other

Time for deciding am't of tax to be raised.

Notice to supervisors to levy taxes.

Proviso.

provided in this section, to the city, unless such person or corporation shall have received at least twenty-four hours' notice to repair or correct the defect complained of, or which occasioned the injury for which damages were recovered against the city.

Common council to perform same duties as township boards.

Sec. 16. The common council of said city is hereby authorized and required to perform the same duties, in and for said city, as are by law imposed upon township boards of the several townships of this State in reference to all matters not herein otherwise provided for; and the city clerk or his deputy shall perform all the duties of township clerk, or which township clerks are authorized to perform, that are necessary to be performed in said city, and not herein otherwise provided for.

Dockets, books, etc., to be delivered to city clerk.

Sec. 17. The dockets, and all the books of the present justices of the peace, residing in the territory hereby incorporated, shall be by them delivered to the clerk of the city, as soon as he is qualified under this act, and by him delivered to some one or more of the justices elected under this act, within six days after they shall be qualified; and thereupon such clerk shall give notice of the dockets, books, and papers delivered, and the name of the justice to whom they are so delivered, for two weeks, by publishing the same in a newspaper published and circulated in said city; and all suits and matters pending and undetermined before any such justice shall be continued, and may be heard, tried, and determined before the justice to whom such dockets, books, and papers shall be delivered:

Proviso.

Provided, That the parties to every such suit or matter, their agents or attorneys, shall be notified by such justice at least six days before any such cause shall be tried; and the justice or justices of said city, to whom any such dockets, books, and papers may be delivered by said clerk, may proceed to issue execution on any judgment thereon, and do and perform any and all acts and things, touching the same, that might have been done by the justice in whose possession such dockets, books, and papers now are.

Sec. 18. All the officers of the village of Corunna shall continue in office until the first Monday in April, A. D. 1869, and until their successors are elected or appointed and qualified; and the common council of said village shall be and they are hereby constituted the common council of the city of Corunna, and to continue and act as such until a common council shall be elected and qualified under this act; and shall, while they constitute the common council of said city, perform all the duties, and possess all the powers by this act conferred on the common council of the city.

Village officers; when terms of office shall expire.

Sec. 19. All former acts and parts of acts, relating to the village of Corunna, which are repugnant to this act, are hereby repealed; but nothing herein contained shall be construed to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act shall be carried out and completed in the same manner, as near as may be, as provided in such former act or acts; and all claim or interest of the city in lands heretofore sold to, or bid in by the village of Corunna for delinquent taxes assessed in said village, may be sold by the city treasurer and conveyed by the marshal of the city, in the same manner that the same might have been sold by the treasurer of the village of Corunna, and conveyed by the marshal of said village had not this act been passed, and with like effect; and any purchaser of lands sold for taxes in said village shall, if the land so purchased is not redeemed as provided in said act or acts, be entitled to a deed from the marshal of the city; and any deed executed by the marshal of the city, in pursuance of the powers herein conferred, shall be as valid and effectual as though the same had been executed by the marshal of the village of Corunna, under and in pursuance of the powers conferred upon [said] marshal of said village.

Acts repealed

All prior claims and obligations to remain good.

Purchaser of tax land to be entitled to deed.

Sec. 20. All prosecutions for any offense committed, or penalty or forfeiture incurred, shall be enforced in the same manner, in all respects, and with the same effect as if this act had not been passed.

Prosecutions to be enforced, as if act had not been passed.

Common
council to
prescribe
powers of
officers.

Sec. 21. In all cases in which any power is conferred by this act upon the common council of the city, or upon any officer mentioned herein, and the manner of exercising or enforcing such power is not herein pointed out, or sufficiently and accurately described, the common council may prescribe the manner of exercising and enforcing all such powers, and may pass such ordinances in relation to all such matters and things not inconsistent with the constitution of the United States and of this State, as they may deem proper.

Public act.

Sec. 22. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever.

Sec. 23. This act shall take immediate effect.

Approved March 12, 1869.

[No. 266.]

AN ACT to organize the county of Alcona.

County
organized.

SECTION 1. *The People of the State of Michigan enact, That the county of Alcona shall be detached from the county of Alpena and organized into a separate county, to be known as the county of Alcona; and the inhabitants thereof shall be entitled to all the rights and privileges of the inhabitants of other organized counties in the State.*

Election of
officers.

Sec. 2. At the election to be held on the first Monday of April next, the several county officers of said county of Alcona shall be elected. Such election of such officers, and the canvass thereof, shall be conducted in the manner prescribed by law: *Provided*, That the county canvass of such election shall be held at the office of the township clerk of the township of Harrisville, on the Monday next succeeding such election; and the officers so elected shall qualify and enter on the duties of their respective offices on or before the fifteenth day of April next, and that their several terms of office shall expire on the first day of January, eighteen hundred and seventy-one.

Proviso.

Sec. 3. The county seat of said county is hereby located in the village of Harrisville, in said county, for the time being, and the same shall so remain located until removed by the board of supervisors of said county, pursuant to law; and the county clerk shall provide a suitable seal, and all necessary books for the use of the circuit court for said county; and the sheriff shall provide a suitable place for holding said court, at the expense of said county, until a suitable place for holding such court is provided by the board of supervisors of said county.

County seat.

Duties of county clerk and sheriff.

Sec. 4. Said county shall comprise part of the representative district now composed of the counties of Isabella, Midland, Iosco, and Alpena, with the unorganized counties attached, and shall be attached to the twenty-seventh senatorial district, and to the sixth congressional district, and to the tenth judicial circuit; and the judge of said circuit court shall fix the time for holding such court, on or before the first day of June next. The sheriff and county clerk of said county shall designate, in writing, the place where said circuit court shall be held, and such designation shall be filed with said clerk, and the same shall remain so fixed until changed by said board of supervisors.

Districts; Representative, Senatorial and Congressional.

Sheriff and county clerk to designate place of holding circuit court.

Sec. 5. The unorganized county of Oscoda is hereby detached from said county of Alpena, and attached to the said county of Alcona, for judicial and other purposes.

County attached.

Sec. 6. It shall be the duty of the register of deeds for said county of Alcona, when elected, to procure, maintain, and keep in his office two sets of books for the records of deeds, mortgages, and other instruments affecting the title of real estate in said counties of Alcona and Oscoda; the one to be denominated "Records for Alcona county," and the other to be denominated "Records for Oscoda county;" and shall register and record, in the books designated "Records for Alcona county," all deeds, mortgages, conveyances, or other instruments affecting the title to real estate which shall be situate in Alcona county, as the same are now required to be recorded by

Register of deeds; duties of.

law. And all deeds, mortgages, conveyances, or other instruments affecting the title to real estate situate in Oscoda county, shall be recorded in the books designated as "Records for Oscoda county," with the same effect and to the same purpose as the same are now authorized to be recorded by law.

Sec. 7. This act shall take immediate effect.

Approved March 12, 1869.

[No. 267.]

AN ACT to amend act No. 397, of the session laws of 1867, entitled "An act to amend act No. 301, of the session laws of 1865," being an act entitled "An act to regulate the tolls on plank roads in Bay, Clinton, Gratiot, and Saginaw counties."

Act amended SECTION 1. *The People of the State of Michigan enact, That* act No. 397, of the session laws of 1867, entitled "An act to amend act No. 301, of the session laws of 1865," being an act to regulate the tolls on plank roads in Bay, Clinton, Gratiot, and Saginaw counties, approved March 22, 1867, be and the same is hereby amended so as to read as follows:

Rates of toll established. SECTION 1. *The People of the State of Michigan enact, That* all plank road companies now existing or hereafter to be organized, having plank roads now constructed, or hereafter to be constructed, in whole or in part within the counties of Bay, Clinton, Gratiot, Tuscola, and Saginaw, shall be entitled to charge and receive the following rates of toll, that is to say, at a rate not exceeding four cents per mile for any vehicle, carriage, sled or sleigh drawn by two animals, and two cents per mile for every sled, sleigh, carriage or other vehicle drawn by one animal; if any sled, sleigh, carriage or vehicle is drawn by more than two animals, two cents per mile may be added for every such additional animal; for sheep or swine driven over such road, one-half cent per score per mile may be charged; two cents

per mile may be charged for each score of neat cattle, led or driven over such road; and for every horse and rider, or led horse, two cents per mile; and any such plank road company may charge double the above specified rates on all wagon loads of timber, staves or wood, the weight of which shall exceed two and a half tons, except when such loads shall be drawn upon wagons with tires not less than three inches in breadth: *Provi-* Proviso
ded, That the provisions of this act shall not be construed to apply in any manner whatever to that portion of the plank road lying between the cities of Flint and East Saginaw, commonly known as the Genesee and Saginaw plank road, that lies within the county of Genesee.

Sec. 2. This act shall take immediate effect.

Approved March 12, 1869.

[No. 268.]

AN ACT to amend section fourteen of an act entitled "An act to incorporate the village of Dexter," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That Section amended.
section fourteen of the act entitled "An act to incorporate the village of Dexter," approved February twelfth, eighteen hundred and fifty-five, be and the same is hereby amended so as to read as follows:

Sec. 14. The common council shall have full power to pre- Common council to prevent sale of liquors.
vent the vending of intoxicating liquors in said village, not duly authorized; to regulate the measuring of fire-wood and the weighing of hay, and to prescribe and designate the stand To designate stands for carts.
for carts and carters, and for wood, hay, and produce exposed for sale in said village; to prevent and punish immoderate To punish fast driving.
driving in any of the streets of said village; to prevent the incumbering of the streets, sidewalks, alleys, or public grounds

To regulate
grave-yards.

To determine
amount to be
paid for li-
cense.

or squares, and to regulate all grave-yards and the burial of the dead for said village; to regulate and restrain hawking and peddling in the streets; to license the selling of merchandise at auction in said village, and to determine, by ordinance or by-law the amount to be paid into the treasury of the village for any such license, according to the nature and extent of such sales at auction, and to fix and determine the penalty for making any sales at auction in said village without license.

Sec. 2. This act shall take immediate effect.

Approved March 12, 1869.

[No. 269.]

AN ACT to amend section twenty-four of an act entitled "An act to revise the charter of the city of St. Clair," approved March eighteenth, eighteen hundred and sixty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-four of an act entitled "An act to revise the charter of the city of St. Clair," approved March eighteenth, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

Officers;
when to
enter upon
duties.

Sec. 24. The city assessor elected as hereinafter provided, shall enter upon the duties of his office within ten days after his election, and all other officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

Sec. 2. This act shall take immediate effect.

Approved March 12, 1869.

[No. 270.]

AN ACT providing for two voting precincts for the township of Kalamazoo, in the county of Kalamazoo, defining the limits thereof, and determining who shall be inspectors of election therein.

SECTION 1. *The People of the State of Michigan enact,* That ^{Votes; how may be cast.} the votes of the township of Kalamazoo, in the county of Kalamazoo, may be cast in two separate precincts at all general, regular and special elections, if a majority of the inspectors of election shall so determine.

Sec. 2. Ten days previous notice of said division of the town- ^{Notice of election; how given.} ship into two voting precincts shall be published, by authority of said inspection board, in at least one newspaper published within said township, or by posting written or printed notice of the same, as provided by law for such elections.

Sec. 3. The following shall be the division line of said voting ^{Division line of voting precincts.} precincts, viz: Commencing at a point on the line between the townships of Oshtemo and Kalamazoo, said point being at the north-west corner of the south-west quarter of section eighteen, in the township of Kalamazoo; thence easterly in the center of the highway to main street, in the village of Kalamazoo; thence easterly along the center of main street, and the road leading to the village of Comstock, on the north line of the Michigan Central Railroad, to the east line of said township of Kalamazoo; and all the territory within said township situate south of said division line shall be denominated election precinct number one, and all the territory situate north of said line shall be denominated election precinct number two.

Sec. 4. The supervisor, township clerk, and justice of the ^{Board of inspectors; who to constitute.} peace whose term of office will soonest expire, shall constitute the board of inspectors of voting precinct number one; and the next two justices of the peace whose terms of office soonest expire, with a clerk to be appointed by them, for the time being, shall constitute the board of inspectors of voting precinct number two.

Places for
casting
ballots.

Sec. 5. All electors residing south of said division line shall cast their ballots at such place, within said precinct, as the inspectors of election shall determine as polling place for precinct number one; and all electors residing north of said division line shall cast their ballots at such other place, within said precinct number two, as the inspectors of election shall determine as polling place for precinct number two.

Official canvass; how made.

Sec. 6. After the polls are closed, the inspectors of elections of each precinct shall proceed to count the votes of their respective precincts separately, and after they are so counted and found, or are made to correspond with the poll list, the two boards shall meet in joint canvass, and the consolidated report shall be the official canvass of said township.

Manner of conducting township meeting.

Sec. 7. At twelve o'clock, meridian, of the day of any general, regular, or special election, the electors of said township shall meet in front of the court house of said county, or at such other time and place as the inspectors of election shall determine, and shall then and there elect such officers, and transact such other business as is usually transacted at township meetings, by *viva voce* vote, or in such manner as the meeting may direct.

Two books of registration to be provided.

Sec. 8. The township board of said township shall provide, at the expense of said township, two books, in which to register the qualified electors of said township, one of which shall be used for voting precinct number one, and the other for voting precinct number two, and in which shall be registered the names of the qualified voters of their respective precincts as provided by existing law. The names of persons in the existing book of registration may be transcribed into the books required by this section, under the direction of the township board, so that they will be included in the book of registration in which they severally reside. The township board shall receive names and register persons qualified to vote in said township, at the times and in the manner provided for by existing law. For the purpose of registration, and for all other purposes, the township board of said township shall be composed of the per-

sons, and have all the powers which it now has in said township, except as is otherwise provided in this act. At the close of each election, the book of registration for voting precinct number two shall be delivered to the clerk of said township for safe keeping.

Sec. 9. This act shall take immediate effect.

Approved March 12, 1869.

[No. 271.]

AN ACT to reincorporate the village of Schoolcraft.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries.
all that tract of country situated in the township of Schoolcraft, in the county of Kalamazoo, and State of Michigan, designated as follows, to wit: the east three-quarters of the south half of section eighteen, and the east three-quarters of the north half of section nineteen, in said township, be and the same is hereby constituted a village corporate, under the name of the village of Schoolcraft.

Sec. 2. The electors of said village shall meet on the first First election.
Tuesday in March, one thousand eight hundred and sixty-nine, at such place as shall be designated by the president and trustees, and there, by ballot, shall elect, by a plurality of Officers, and terms of office.
votes, one person to be president of said village; and three persons shall, in like manner, be elected trustees for one year, and three for two years; and one person shall also be elected marshal; and annually thereafter, a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year; and three trustees shall be elected, who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this Failure to hold election at appointed time, not to dissolve corporation.
act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the regular election. The president and trustees thus elected, shall constitute a village board, village board.

Quorum. and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number, a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

President; duties of.

Notice of time and place of holding election.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in three of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls, the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true statement thereof, and within five days, give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Judges and clerk of election.

Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of election; and said board shall have such power to preserve the purity of the election as is now or may be hereafter given to township boards of election.

Officers to take oath.

Sec. 5. The president, and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States, and of this State, and that he will faithfully and impartially discharge the duties of

his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, ^{Village clerk; duties of.} to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a ^{Body corporate and politic.} body corporate and politic, with the same powers as township boards, in addition to those granted in this act, under the name of the president and trustees of the village of Schoolcraft, and may have a common seal, which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least six days before the return day thereof: *Provided*, That in case ^{Proviso.} such summons cannot, for any reason, be served on the president, it may be served on any one of the trustees.

Sec. 7. The president and trustees shall have power to ordain ^{President and trustees to establish laws relative to—} and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes, viz.: to—
For the appointment of a treasurer, and prescribing his duties; ^{Appointm't of officers.} an assessor, and such other officers for said village as they may deem necessary; and also, such as they may deem necessary ^{Public property.} and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the ^{Police.} police thereof; to preserve the public peace; to prevent riots, ^{Riots.} disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to ^{Vagrants.} restrain, apprehend, and punish vagrants, mendicants, drunkards and disorderly persons; to punish lewd and lascivious

Gaming houses.	behaviour in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, (but no license shall be in force except during the life of the board granting it); to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish immoderate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every incumbrance and obstruction thereto;
Tavern keepers.	
Fermented liquors.	
Immoderate driving.	
Disorderly houses.	
Incumbering of streets.	
Gunpowder;	to regulate the storage of powder, lumber, or other combustible materials; to prevent the use of fire-arms, slung-shots, and other weapons, and fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber and coal;
Fire-arms.	
Markets.	
Weights and measures.	to regulate the gauging of vessels containing liquors, the sealing of weights and measures; to maintain and regulate pounds, and to provide for the restraining of horses, cattle, sheep, swine, mules and other animals, geese, or other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large, in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to purchase grounds for, and regulate cemeteries and the burial of the
Pounds.	
Cattle.	
Dogs.	
Cartmen.	
Hydraulic works.	
Wells and cisterns.	

dead, and to provide for the return of the bills of mortality, Cemeteries
 and to order the use for burial purposes, of any burying
 ground or cemetery to be discontinued whenever they may
 deem the same necessary for the best interests or health of the
 citizens; to ascertain, establish, and settle the boundaries of all <sup>Boundaries
of streets.</sup>
 the streets and alleys, and to establish grades therefor; also, to
 order and cause lots to be drained or filled up, and to assess
 the cost and expense on the premises benefited; to regulate the <sup>Partition
walls.</sup>
 building of partition and other fence; to establish lines upon <sup>Building
lines.</sup>
 which buildings may be erected, and beyond which such build-
 ings shall not extend; to prevent the erection of buildings in
 an unsafe manner, and to pass all necessary regulations rela-
 tive to buildings deemed unsafe; to purchase and keep in ^{Fire engines.}
 order fire engines and other fire apparatus, and to construct
 buildings to store them, and to cause each building occupied
 as a house, store or shop, to be provided with fire-buckets and
 ladders; to establish fire limits within which no wooden build- ^{Fire limits.}
 ing shall be built, enlarged, or placed; to regulate party walls, ^{Chimneys.}
 chimneys, flues, and putting up stoves and stove-pipes; to reg- <sup>Hazardous
buildings.</sup>
 ulate the construction of smith shops, planing establishments,
 bakeries, and all other buildings considered extra hazardous; to
 guard against fires; to regulate the duties, powers, and fees of <sup>Duties of
village
officers.</sup>
 the village officers; to prescribe the setting of posts and shade
 trees; to provide for the construction of sidewalks, and
 repairing the same; to grade the walks, streets, alleys, and to ^{Grades.}
 prescribe the manner of planking or paving them, the cost and
 expense of which to be paid by assessment on the lots in front
 of, or adjoining which, either or all of said improvements shall
 be made, but not otherwise; to construct and keep in repair ^{Highways.}
 the public highways, culverts and sewers; to lay out new streets
 and alleys, and extend those already laid out, under the
 restrictions provided in this act; to vacate streets and alleys;
 to prescribe the levying and collection of the highway and
 other taxes; to provide for taking a census whenever they shall ^{Census.}
 see fit; to regulate the running of locomotives and cars in the ^{Locomotives}
 limits of the village; to regulate theatres, shows and concerts; ^{Theatres.}

- Auctions.** to regulate and tax, at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State; excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, but not until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties and fines may be imposed by such by-laws themselves, as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Schoolcraft; and any interest the inhabitants of the village of Schoolcraft, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or to serve as jurors, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.
- Levying taxes.**
- Taking private property.**
- Fines and penalties.**
- Citizens may act as jurors.**
- Taxes to remain a lien on real estate.**
- Annual statement of president and trustees.**
- Sec. 8.** All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making and repairing sidewalks, shall remain a lien upon said estate until paid.
- Sec. 9.** The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditure of the preceding year.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of the corporation, by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

When by-laws to take effect

Sec. 11. It shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof, of the time and place of reviewing the assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved, may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hands and seal of the president and a majority of the trustees, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date

Assessment roll; time and place for reviewing.

Delivered to marshal with warrant attached

Refusal to pay.

Distress and sale.

of said warrant, and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Marshal authorized to sell property for taxes.

Surplus returned to owner.

Proceedings when taxes remain unpaid for two years.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of twenty per cent. per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum, from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon, and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Treasurer to
sell lands.

Certificate of
purchase.

Conveyance.

Conveyance
may be used
in evidence.

Sec. 15. If any parcel of land cannot be sold to any person for the tax, interest and charges, such parcel shall be passed over for the time being; and after the advertised list has been offered and before the close of the sale, all such descriptions as have not been sold shall be reoffered; and if on such second offer, or during the sales, the same cannot be sold for the amount aforesaid, the village trustees shall bid off the same for the village.

Trustees to
bid off lands
to village, in
certain cases.

Lands bid off
to village,
liable to
taxation.

Sec. 16. All lands bid off for the village, as provided in the preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the village, and such tax shall be a charge upon said land.

Treasurer;
fees of.

Sec. 17. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale, in pursuance of this act, shall by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

Money; how
drawn from
treasury.

Sec. 18. No money shall be drawn from the treasury except by appropriation of the president and trustees; and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Trustees not
to become
security, or
be interested
in any con-
tract.

Sec. 19. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the term for which he may be elected a member of said board he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Highway
fund; how
kept.

Sec. 20. All money assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Appointed
officers.

Sec. 21. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed and qualified; and the president and trustees may require of them such security, by bond, for the faithful performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the treasurer of

Bond of.

the corporation, and his successor in office; and suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same. Suit against; how brought

Sec. 22. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Schoolcraft, who shall hear and determine the matter, on proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed as empowering him to serve processes issued by justices of the peace, in civil cases. Marshal; duties of. Proviso.

Sec. 23. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office, by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall in all cases be made a matter of record by them. To be subject to control of trustees.

Sec. 24. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner. Vacancy in office of; how filled.

Compensat'n
of officers.

Sec. 25. The president and trustees shall each receive, as compensation for services, at the rate of one dollar per day for the time they are actually employed; the marshal, the clerk, and the treasurer shall each receive such compensation as the president and trustees shall direct.

Use of jail
allowed to
corporation.

Sec. 26. The corporation shall be allowed the use of the common jail of the county of Kalamazoo for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Proviso.

Firemen
exempt from
poll tax and
jury service.

Sec. 27. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fire, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Trustees to
be commis-
sioners of
highways.

Sec. 28. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village, shall have the same powers and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected, as taxes usually are for constructing and repairing roads in the different townships, and shall have the exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order fences to be removed and to remove such fences themselves, and to open, widen, or extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise said power at any time during the year: *And provided also*, That nothing herein contained shall

Proviso.

And.

be construed to exempt any person or property, within said village, from any township tax that may be legally levied within and for the township of Schoolcraft, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 29. The president and trustees shall have power and authority to lay out, establish, open, extend, widen, straighten, alter and improve such streets, highways, alleys, lanes, water-courses, squares, market places, and public parks in said village as they shall deem necessary for the public good and convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same are to be used, and that the president and trustees will meet, on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the president and trustees; and the president and trustees are hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the president and trustees, at the time of the meeting appointed in such resolution, to direct the village clerk to issue a precept, under his hand, in the nature of a *venire facias*, directed to the

Trustees;
may lay out
streets, etc.

Take private
property.

To give notice to, and
offer compensation to
owner.

To summon
jury in case
of refusal to
sell.

Auctions.	to regulate and tax, at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-
Levying taxes.	brokers; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State; excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational pur-
Taking private property.	poses; to take the land of any individual for the purpose of constructing, widening or extending streets, but not until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, as provided
Fines and penalties.	for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties and fines may be imposed by such by-laws themselves, as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any
Citizens may act as jurors.	justice of the peace in the township of Schoolcraft; and any interest the inhabitants of the village of Schoolcraft, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or to serve as jurors, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.
Taxes to remain a lien on real estate.	<p>Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making and repairing sidewalks, shall remain a lien upon said estate until paid.</p>
Annual statement of president and trustees.	<p>Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditure of the preceding year.</p>

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of the corporation, by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

When by-laws to take effect

Sec. 11. It shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof, of the time and place of reviewing the assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved, may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor and the president and trustees, shall immediately proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hands and seal of the president and a majority of the trustees, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such moneys, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date

Assessment roll; time and place for reviewing.

Delivered to marshal with warrant attached

Refusal to pay.

Distress and sale.

of said warrant, and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Marshal authorized to sell property for taxes.

Surplus returned to owner.

Proceedings when taxes remain unpaid for two years.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the said assessment roll in a column by itself; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of twenty per cent. per annum, until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax, and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum, from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon, and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Treasurer to
sell lands.

Certificate of
purchase.

Conveyance.

Conveyance
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Sec. 15. If any parcel of land cannot be sold to any person for the tax, interest and charges, such parcel shall be passed over for the time being; and after the advertised list has been offered and before the close of the sale, all such descriptions as have not been sold shall be reoffered; and if on such second offer, or during the sales, the same cannot be sold for the amount aforesaid, the village trustees shall bid off the same for the village.

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Sec. 16. All lands bid off for the village, as provided in the preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the village, and such tax shall be a charge upon said land.

Treasurer;
fees of.

Sec. 17. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale, in pursuance of this act, shall by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

Money; how
drawn from
treasury.

Sec. 18. No money shall be drawn from the treasury except by appropriation of the president and trustees; and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

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Sec. 19. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the term for which he may be elected a member of said board he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Highway
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Sec. 20. All money assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

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Bond of.

the corporation, and his successor in office; and suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same. Suit against; how brought

Sec. 22. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Schoolcraft, who shall hear and determine the matter, on proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed as empowering him to serve processes issued by justices of the peace, in civil cases. Marshal; duties of. Proviso.

Sec. 23. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office, by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall in all cases be made a matter of record by them. To be subject to control of trustees.

Sec. 24. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner. Vacancy in office of; how filled.

Compensat'n
of officers.

Sec. 25. The president and trustees shall each receive, as compensation for services, at the rate of one dollar per day for the time they are actually employed; the marshal, the clerk, and the treasurer shall each receive such compensation as the president and trustees shall direct.

Use of jail
allowed to
corporation.

Sec. 26. The corporation shall be allowed the use of the common jail of the county of Kalamazoo for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Proviso.

Firemen
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Sec. 27. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fire, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Trustees to
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Sec. 28. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village, shall have the same powers and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected, as taxes usually are for constructing and repairing roads in the different townships, and shall have the exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order fences to be removed and to remove such fences themselves, and to open, widen, or extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise said power at any time during the year: *And provided also*, That nothing herein contained shall

Proviso.

Idid.

be construed to exempt any person or property, within said village, from any township tax that may be legally levied within and for the township of Schoolcraft, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 29. The president and trustees shall have power and authority to lay out, establish, open, extend, widen, straighten, alter and improve such streets, highways, alleys, lanes, water-courses, squares, market places, and public parks in said village as they shall deem necessary for the public good and convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same are to be used, and that the president and trustees will meet, on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the president and trustees; and the president and trustees are hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the president and trustees, at the time of the meeting appointed in such resolution, to direct the village clerk to issue a precept, under his hand, in the nature of a *venire facias*, directed to the

Trustees;
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To give no-
tice to, and
offer com-
pensation to
owner.

To summon
jury in case
of refusal to
sell.

Jury to assess damages.

Compensation tendered to owner.

Proviso.

marshal of said village, or a constable of the county of Kalamazoo, commanding him to summon a jury of twelve disinterested freeholders of said village to appear before any justice of the peace of the township of Schoolcraft, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damage and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the president and trustees to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Kalamazoo, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and

the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, lane, alley, square, water-course, market place or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided further*, Ibid. That if the damages awarded on such appeal shall not exceed the damages assessed by said jury, ten dollars, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Sec. 30. All ordinances, by-laws and regulations of the corporation of the village of Schoolcraft, which are in force at the time of the passage of this act, shall remain in full force and effect, as if passed under the provisions of this act: *Provided* All prior ordinances to remain in force. Proviso. however, That they do not contain anything repugnant to the provisions of this act, or the constitution or laws of this State or the United States.

Sec. 31. All moneys received for licenses granted to tavern keepers or common victualars, under the provisions of this act, shall be paid to the county treasurer as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six. License money; to whom paid.

Sec. 32. This act shall be favorably construed and received in all courts, as a public act, and copies thereof printed under the authority of the Legislature, shall be received as evidence without further proof. Public act.

Jury to assess damages.

Compensation tendered to owner.

Proviso.

marshal of said village, or a constable of the county of Kalamazoo, commanding him to summon a jury of twelve disinterested freeholders of said village to appear before any justice of the peace of the township of Schoolcraft, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damage and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the president and trustees to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings, by appeal to the circuit court for the county of Kalamazoo, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and

the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, lane, alley, square, water-course, market place or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided further*, Ibid. That if the damages awarded on such appeal shall not exceed the damages assessed by said jury, ten dollars, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Sec. 30. All ordinances, by-laws and regulations of the corporation of the village of Schoolcraft, which are in force at the time of the passage of this act, shall remain in full force and effect, as if passed under the provisions of this act: *Provided* All prior ordinances to remain in force. *however*, That they do not contain anything repugnant to the provisions of this act, or the constitution or laws of this State or the United States. Proviso.

Sec. 31. All moneys received for licenses granted to tavern keepers or common victualars, under the provisions of this act, shall be paid to the county treasurer as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six. License money; to whom paid.

Sec. 32. This act shall be favorably construed and received in all courts, as a public act, and copies thereof printed under the authority of the Legislature, shall be received as evidence without further proof. Public act.

Who eligible
to office.

Sec. 33. No person shall be eligible to any office in this corporation, unless he shall have resided in said corporation six months next preceding his election, and who shall be entitled to vote therein.

Sec. 34. This act shall take immediate effect.

Approved March 12, 1869.

[No. 272.]

AN ACT to amend sections seventy-one, ninety-four, ninety-five, ninety-seven, and one hundred and fifty-one of an act to revise the charter of the city of Ypsilanti, approved March seventeenth, eighteen hundred and sixty-five, being act two hundred and fourteen, of the laws of eighteen hundred and sixty-five, and to add a new section, to stand as section two hundred and twelve.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seventy-one, ninety-four, ninety-five, ninety-seven, and one hundred and fifty-one of an act to revise the charter of the city of Ypsilanti, approved March seventeenth, eighteen hundred and sixty-five, be and the same are hereby amended so as to read as follows, and that a new section be added to said act to stand as section two hundred and twelve:

City mar-
shal; duties
of.

Sec. 71. The city marshal shall be superintendent of the city, and it shall be his duty to superintend, under the general direction of the common council, all work to be done or performed, ordered, or required to be done or performed upon, or in relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs, or grounds of said city, and collect all taxes remaining unpaid after the first day of January, levied in said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council shall be required, and shall have the same powers in criminal matters as the several constables of the county.

To collect
certain taxes

Common
council to
levy tax.

Sec. 94. For the purpose of defraying the expenses and all liabilities incurred by said city, and paying the same, the com-

mom council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of that year, es equalized by the board of supervisors, and the sum or sums so to be raised shall be apportioned between the two judicial districts of said city, in the manner in this act provided.

Sec. 95. It shall not be lawful for the common council to borrow any money, or authorize the creation of any liability or indebtedness against said city, in any one year, exceeding in the aggregate the amount which by this act may be raised by tax for such year, except for soldiers' bounties, building and repairing bridges across the Huron river in said city, and for the purposes of a fire department; and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sums raised by tax for such year, except as above, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Sec. 97. Whenever by the provisions of this act the common council shall be authorized to issue bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not exceed, in any one year, five mills on the dollar on the valuation of the real and personal property within said

Money; how
may be bor-
rowed.

How to be
applied.

Common
council to
create a sink-
ing fund.

city, and which shall be levied and collected in the same manner as the ordinary city taxes of said city are levied and collected; and when so collected, the same shall be applied to the credit of said sinking fund for the purpose of paying off the principal and interest of the debt so created, as the same becomes due.

Assessment
of highway
taxes.

Sec. 151. In making the estimate and assessment of highway taxes, the supervisors shall proceed as follows:

oil tax.

First. Every male inhabitant in each ward being above the age of twenty-one years and under fifty years, except paupers, idiots, and lunatics, and other persons exempt by law from taxation, shall be assessed fifty cents each as a poll tax;

Residue of
tax; how ap-
portioned.

Second. The residue of the highway taxes shall be assessed, not exceeding seventy-five cents upon every one hundred dollars of the valuation, and shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of which the owners are non-residents, as the same shall appear from the assessment roll;

Duty of su-
pervisor.

Third. The supervisor shall affix to the name of each person liable to a poll tax, not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person, between the age of twenty-one and fifty years, liable to such assessment upon the assessment rolls.

Bonds;
how may be
issued.

Sec. 212. The common council of the city of Ypsilanti is hereby authorized to issue the bonds of said city, in such sums and for such amounts as they may deem necessary, for the purpose of constructing and repairing bridges over the Huron river in said city, and like bonds for the purpose of a fire department of said city; said bonds shall bear a rate of interest not exceeding ten per cent., and shall be payable in not more than ten years from the date thereof, and shall not be made payable in a sum to exceed five thousand dollars in any one year.

Rate of in-
terest on.
When
payable.

Sec. 2. All acts and parts of acts contravening, in anywise, ^{Acts} the provisions of this act, are hereby repealed. _{repealed.}

Sec. 3. This act shall take immediate effect.

Approved March 12, 1869.

[No. 273.]

AN ACT to amend act number two hundred and forty-six, of the session laws of eighteen hundred and sixty-seven, being an act to amend an act entitled "An act to connect the Duncan, Alpena, and Sauble river State road, with the East Saginaw and Sauble river State road," by adding one new section thereto, to stand as section five.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act} act number two hundred and forty-six, of the session laws of ^{amended.} eighteen hundred and sixty-seven, be amended by adding one new section thereto, to stand as section five, and to read as follows:

Sec. 5. Edward A. Breckenridge, of Sauble township, Iosco county, is hereby constituted a special commissioner for said <sup>Special com-
missioner
appointed;
powers and
duties of.</sup> bridge, and he shall have the entire charge and superintendence of the construction of the same, and may contract with suitable parties for the construction of the same, and shall be governed by the same law, in relation to the same, as is the Swamp Land State Road Commissioner, except that he shall give bond to ^{Bond of.} the people of this State, in the sum of five thousand dollars, for the faithful performance of his duties as such commissioner, and file the same with the Secretary of State; said bond to be approved by the board of State auditors. On the first day of the meeting of the board of control after said commissioner shall have let the contract for the building of said bridge, said commissioner shall submit said contract for the approval of said board, in the same manner, in all respects, as said Swamp Land State Road Commissioner is now required to do, until said contract shall be fulfilled and said bridge erected; and said

<sup>To submit
contract to
board of
control.</sup>

Compensa-
tion of.

special commissioner, in case he accept said bridge as being completed according to contract, shall accept it in the same manner, and with like effect, as said Swamp Land State Road Commissioner is now empowered and authorized to do. The said special commissioner shall receive for his services, while actually engaged in the discharge of his official duties, the same compensation per diem, and in like manner as is now provided by law for local commissioners of swamp land State roads.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1869.

[No. 274.]

AN ACT to extend the time for the collection of certain drain taxes in the township of Zeeland, in the county of Ottawa.

Time
extended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of the drain tax, assessed in the township of Zeeland, in the county of Ottawa, to pay for the construction of a ditch located in said township, and assessed for the year eighteen hundred and sixty-eight, be and the same is hereby extended to the first day of November next.*

Treasurer;
duties of.

Sec. 2. The treasurer of said township shall, on or before the first day of April next, account for and pay over to the treasurer of said county all taxes by him collected, and make due return according to law and specification of the warrant attached to his tax roll, and shall retain the said tax roll in his hands and deliver the same over to his successor in office.

Powers of.

Sec. 3. The treasurer of the township above named, or his successor in office, is hereby authorized, and it shall be his duty to proceed and collect the above mentioned drain tax in the same manner as during the lifetime of his warrant, and to make return to the county treasurer on or before the first day of November next, and the said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid,

Warrant
continued in
force.

until the said first day of November next: *Provided*, He shall Provide. first renew his official bond to the satisfaction of the treasurer of said county of Ottawa.

Sec. 4. A transcript of all unpaid taxes returned to the Return of unpaid taxes. county treasurer in pursuance of the provision of this act shall, by said county treasurer, be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner and with interest computed for the same time as other taxes for the year one thousand eight hundred and sixty-eight, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved March 13, 1869.

[No. 275.]

AN ACT to legalize the action of the school inspectors of the townships of Albion and Sheridan, in the county of Calhoun, and State of Michigan, in the consolidation of certain school districts therein.

SECTION 1. *The People of the State of Michigan enact*, That Action of school inspectors legalized. the action of the school inspectors of the townships of Albion and Sheridan, in the county of Calhoun, Michigan, at a joint meeting on the ninth day of September, A. D. 1867, in organizing a school district for the purpose of establishing therein graded or high schools, called district number one, fractional, Albion and Sheridan, by uniting and consolidating the school districts theretofore known as school district number one, Albion, school district number one, fractional, Sheridan and Albion, and school district number three, fractional, of Albion and Sheridan, shall be and the same is hereby declared to be legal and valid; and said school district so organized by said inspectors, is hereby declared to be a valid and legal school district under the laws of this State providing for graded and

high schools, and that the action of said school district number one, fractional, Albion and Sheridan, since its said organization, in the election of trustees, and in voting taxes, both for the support of schools and for the erection of school-houses in said district, and the action of said trustees in providing and supporting schools in said district, are hereby declared to be legal and valid; and the taxes so voted are hereby declared to be a lien upon the taxable property of said district, and shall be collected as provided for the collection of taxes in school districts by the laws of this State.

Taxes voted,
declared to
be a lien on
property.

School dis-
trict to be
subject to
general laws
of this State.

Sec. 2. Said school district number one, fractional, Albion and Sheridan, shall be subject to the general laws of this State provided for graded and high schools, and shall possess all the powers and be subject to all the duties provided by law for such school districts.

Sec. 3. This act shall take immediate effect.

Approved March 13, 1869.

[No. 276.]

AN ACT to organize the township of Monitor, in Bay county.

SECTION 1. *The People of the State of Michigan enact, That* all that part of Bay county, in the State of Michigan, known and described as follows, to wit: All of township fourteen north, of range four east, (excepting sections one and two,) and sections thirty and thirty-one, of township fourteen north, of range five east, be and the same is hereby set off and organized into a separate township, to be called and known as the township of Monitor.

Boundaries.

First town-
ship meeting

Inspectors
of election.

Sec. 2. The first township meeting in said township shall be held at the house of Owen C. White, on the first Monday in April next; and said Owen C. White, and William C. Needham, and William Henningway, are hereby authorized to act as the

first inspectors of the said election to elect township officers; and in case of any vacancy in said number of inspectors, from absence or other cause, the electors present shall choose an inspector to fill such vacancy, by a *viva voce* vote.

Sec. 3. If, for any reason, said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, or a majority of the same, on giving at least ten days' notice, in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Proceedings
when elec-
tion is not
held at time
herein ap-
pointed.

Sec. 4. This act shall take immediate effect.

Approved March 13, 1869.

[No. 277.]

AN ACT to legalize the special township meeting of the township of Saugatuck, in the county of Allegan, held in said township January 22d, A. D. 1869.

SECTION 1. *The People of the State of Michigan enact, That* the special township meeting held in the township of Saugatuck, in the county of Allegan, January 22d, A. D. 1869, called to vote upon the "bridge question," be and hereby is declared as valid and legal as though said election had been held at the place of holding the last annual township meeting in said township.

Special
township
meeting
legalized

Sec. 2. This act shall take immediate effect.

Approved March 13, 1869.

[No. 278.]

AN ACT to change the name of the plat and village of Millville, in the county of Muskegon, to Bluffton.

Name
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the plat and village of Millville, in the county of Muskegon, be and the same hereby is changed to Bluffton.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1869.

[No. 279.]

AN ACT to amend section three of an act to authorize the city of Saginaw to raise money to construct a county jail for the county of Saginaw, approved January 30th, 1869.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled an act to authorize the city of Saginaw to raise money to construct a county jail for the county of Saginaw, approved January 30th, 1869, be amended so as to read as follows:

When bonds
may be
issued.

Sec. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding ten per cent. per annum, as the common council shall direct, and shall be signed by the controller, and countersigned by the recorder, and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and upon such terms and conditions as shall be agreed upon between the said common council and the board of supervisors of the said county of Saginaw; and the said board of supervisors, and the said common council, are hereby authorized to make such agreements as may

How money
shall be ap-
propriated.

protect the rights and interest of said city and county aforesaid, for the purpose hereinbefore mentioned; and the said common council shall have power, and it shall be their duty to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due.

Common council authorized to levy tax.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1869.

[No. 280.]

AN ACT to authorize the township of Bennington, in the county of Shiawassee, to raise by tax a certain sum of money for the relief of George W. Hunt.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor of the township of Bennington, in the county of Shiawassee, be and he is hereby authorized to spread upon the next annual assessment roll the sum of three hundred dollars, the same or any part thereof, to be applied, when collected, in payment of any just claim that George W. Hunt may have against said township on account of enlisting in the military service of the United States, and being credited on the quota of said township, on the draft of 1864.

Raising money by tax authorized.

Approved March 13, 1869.

[No. 281.]

AN ACT to organize the township of Mayfield, in the county of Lapeer.

SECTION 1. *The People of the State of Michigan enact*, That all that part of Lapeer county, designated and described as township eight north, of range ten east, except the south half

Boundaries

of section thirty-two, the south-west quarter of section thirty-three, the south-east quarter of section thirty-one, and the east half of the south-west quarter of section thirty-one, in said township, be and the same is hereby set off from the township of Lapeer, and organized into a separate township, by the name of the township of Mayfield.

First town-
ship meeting

Inspectors
of election.

Sec. 2. The first township meeting in said township shall be held at the school-house, near Christopher Farnsworth's, on the first Monday of April, 1869; and Warren Peck, John Thomas, and John B. Evans, are hereby authorized to act as the first inspectors of election to elect township officers; and in case of any vacancy in said number of inspectors, from absence or other cause, the electors present may choose another to fill any such vacancy, from their own number, by a *viva voce* vote.

Proceedings
when elect'n
is not held at
time herein
appointed.

Sec. 3. If, from any cause, said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, or a majority of them, on giving at least ten days' notice thereof, in four of the most public places in said township, which notice the said board of inspectors are hereby authorized to give.

Sec. 4. This act shall take immediate effect.

Approved March 13, 1869.

[No. 282.]

AN ACT to fix the time for holding the first annual election in the village of Saranac, in Ionia county, being an act supplementary to an "Act to incorporate the village of Saranac, in Ionia county," approved March 4, A. D. 1869.

First elec-
tion pro-
vided for.

SECTION 1. *The People of the State of Michigan enact, That the first election of the village of Saranac shall be held at Sackett's Hall, in said village, on Monday, March 22d, A. D.*

1869, and shall be conducted in all respects as provided by an act to incorporate the village of Saranac, approved March 4, A. D. 1869.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1869.

[No. 283.]

AN ACT to incorporate the city of Manistee.

TITLE I.

CITY AND WARD LIMITS.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries.
so much of the townships of Manistee and Stronach, in the county of Manistee, as is included in the following descriptions, to wit: That portion of section one, west of Manistee lake; entire of sections two, ten, eleven, and twelve; lots two and three, of section thirteen, all in town twenty-one north, of range seventeen west; also, lot number seven, of section eighteen, town twenty-one north, of range sixteen west; also, all that portion of Manistee lake lying eastward and adjoining said lands, and within fifty rods of the west shore of said lake, shall be and the same is hereby set off from said townships of Manistee and Stronach, and organized and incorporated into a city by the name of the city of Manistee.

Sec. 2. The inhabitants of said city shall be and constitute a Body corporate and politic.
body corporate and politic, to be known by the name of the city of Manistee, and by that name are, and shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; may have and use a common seal, and alter it at pleasure, and shall be capable of purchasing, holding, and disposing of real and personal estate for the use of said corporation.

Wards.

Sec. 3. The said city shall be divided into four wards: the first ward shall include all that portion of said city lying north of Manistee river; the second ward shall include all that portion of said city lying south of Manistee river, and west of the section line running between sections eleven and twelve; the third ward shall include all that portion of said city described as follows: Lot number six, section one, lot number one, and south-west one-fourth of north-west one-fourth of section twelve; the fourth ward shall include all that portion of said city described as follows: Lots numbers two, three and four, and south west one-fourth of section twelve, and lots numbers two and three, of section thirteen, and lot number seven, of section eighteen.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

Officers;
election and
appointment
of

Terms of
office.

Sec. 1. The officers of said city shall be one mayor, one recorder, one treasurer, one marshal, who shall possess the powers and perform the duties of a constable, and be subject to the liabilities within the city limits, one city surveyor, and two school inspectors, all of whom shall be elected annually by the qualified electors of the whole city; one supervisor and one constable in each ward, who shall be elected annually by the electors of their several wards; one city attorney, one street commissioner, one harbor master, to be appointed by the common council at a meeting to be held on the first Tuesday after the second Monday in March of each year, or as soon thereafter as may be; all of said officers to hold their office for the term of one year, and until their successors are elected or appointed and qualified; there shall also be elected at the first annual election in said city, two aldermen from each of the several wards, one of whom shall hold his office for the term of one year, the other of whom shall hold his office for the term of two years, and until his successor shall be elected and qualified; and in each succeeding year one alderman in each ward, who shall hold his office for two years, and until his successor

shall be elected and qualifies; and at each annual election of said city there shall be elected one justice of the peace, who shall hold his office for four years, and until his successor is elected and qualifies.

Sec. 2. The common council may also appoint so many police constables, pound masters, inspectors of fire-wood, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted, and as the common council may from time to time direct.

Sec. 3. The first annual election to be held under this act, shall be held in each of the several wards on the third Monday in March, eighteen hundred and sixty-nine, at the following places: In the first ward, at Engelmann's store; in the second ward, at Ellis Hall; in the third ward, at Thurber's Hall; in the fourth ward, at Gifford & Ruddock's boarding house; and there shall be chosen at said election, in each of said wards, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by any person authorized to administer oaths, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and shall conduct the same, and certify the result in the same manner as herein required for subsequent elections to be held under this charter; the annual elections after the first under this act, shall be held on the first Monday of March, in each year, at such places in each of the several wards as the common council may designate; notice thereof shall be given by the recorder, at least eight days before the election, by posting the same in three public places in each ward; the aldermen in each ward shall be the inspectors of such election, and of all other elections held in said city, and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, the electors present may choose *visz voce* from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace. The manner of conducting all elections and canvassing

Appointed officers.

First annual election; time and place of holding.

Judges and clerk of election.

Elections after the first; when held.

Manner of
conducting
elections.

Proviso.

Council to
determine
who is elec-
ted.

Proviso.

Ibid.

votes, and the qualifications of electors in the several wards shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided*, That at such charter elections, the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificates shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of such election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of the recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of their election; and each of said officers shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: *Provided*, That at the first annual election under this act, the judges and clerk of election in each ward shall choose one of their number to be inspector of the city election, to whom the certificate of votes given for city officers shall be delivered; and on Thursday next after the election, the said inspectors shall meet at the county clerk's office and determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices, and they shall give notice to the recorder elect of such determination; said recorder shall then notify the other officers as directed in this act for other elections: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more persons shall receive for the same office an equal number, and not a plurality of

votes given at such election, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, who shall be considered elected to such office; in case any of the officers so elected shall neglect for a term of ten days, to qualify as aforesaid, the office shall thereby become vacant.

Sec. 4. No person shall be eligible to either of said elective offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office for any ward or district, unless he shall then be an elector and resident of such ward or district; nor shall he hold any two such offices at the same time, except that the common council may appoint the marshal street commissioner; and when any officer elected or appointed for any ward or district shall cease to reside in said city, or if elected or appointed for any ward or district, shall cease to reside in such ward or district, his office shall thereby become vacant.

Who eligible to office.

Sec. 5. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation, removal of the incumbent, or otherwise, the said council may fill such vacancy by appointment, for the remainder of the unexpired term for which such officer was appointed.

Vacancies; how filled.

Sec. 6. All officers appointed by the common council by the provisions of this act, may each be removed from office by the common council for official misconduct, or for the unfaithful or insufficient performance of the duties of his office, but notice of the charges against them, and an opportunity of being heard in their defense, shall first be given.

Removals from office; when may be made.

Sec. 7. The mayor may appoint an additional number of police constables or watchmen, not exceeding ten of each, when he shall deem it necessary for the purposes of justice, for the preservation of the peace, or for the security of the said city; but no such appointment shall be valid for a longer period than until the next meeting of the common council.

Extra watchmen; when common council may appoint.

Sec. 8. On the day of election, held by virtue of this act, the polls shall be opened in each ward, at the several places design-

Polls; time of opening and closing.

nated by the common council, at nine o'clock in the morning, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed.

Board of inspectors in each ward; who to constitute.

Sec. 9. The two aldermen of each ward and an elector chosen by the voters of the said ward, who shall be present at the time of opening the polls, shall constitute the board of inspectors of elections, two of whom shall constitute a quorum, and such one of their number as they shall appoint shall be their chairman; said board shall also appoint two competent persons to be clerks of election; each of said persons so appointed, shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same.

Duties of, at all elections.

Sec. 10. The inspectors of elections, as specified in the preceding section, shall be inspectors of election held in said wards respectively, as well for election of State, district, and county, as for the city and ward officers.

Ballot; contents of.

Sec. 11. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons, designated for any office, than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear written or printed one of the following words: "ward," "city;" but no ballot found in the proper box shall be rejected for want of such endorsement.

Ibid

Sec. 12. The ballot endorsed "city," shall contain the names of persons designated as officers for the city; the ballot containing the names of persons designated as officers for a ward, shall be endorsed "ward." The common council shall provide

two boxes for each ward, with locks and keys, in which these two kinds of votes shall be deposited separately.

Sec. 13. If at any annual election to be held in the said city, ^{When vacancy is to be filled.} there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for the said office, shall be designated on the ballot.

Sec. 14. Immediately after the closing of the polls, the ^{Inspectors to make canvass of votes} inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result; and shall on the same day or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or the next day, with the recorder of the city.

Sec. 15. It shall be the duty of the inspectors of election, on ^{Duties of, during election.} receiving the vote, as specified in section eleven of this title, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction.

Sec. 16. The manner of canvassing said votes shall be as ^{Manner of canvassing votes.} follows: The inspectors shall proceed first to count the ballots, unopened, in the box marked "city," and if the number of ballots so counted shall exceed the number of names of electors contained in the poll list, one of the inspectors shall draw out and destroy as many as the number of ballots exceed the number of electors contained in said poll list; and if two or more ballots are found rolled or folded up together, they shall not be counted; and they shall proceed in the same manner with the ballots contained in the box marked "ward;" they shall then proceed to count said votes as provided in the preceding section.

Who to be
deemed
elected.

Proceedings
in case of a
tie.

Sec. 17. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take as many strips of paper of equal size, as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put said ballots, together in a hat or box, and one of the members of the common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn, shall be declared elected.

Council to
meet and
certify who
are elected.

Sec. 18. The common council of the preceding year shall convene on the Wednesday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting; and the statement of votes filed with the recorder of the city, by the inspectors of election, shall be produced by said recorder, when the common council shall forthwith determine and certify, in the manner provided by law, what persons are duly elected at the said election, to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the recorder of the city, and shall be by him recorded in a book kept for that purpose, and the other certificate shall be filed with the clerk of the county of Manistee. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices within ten days next following such election, after having qualified, unless otherwise herein provided for.

When off-
icers shall
enter upon
their duties.

Recorder to
notify per-
sons of their
election.

Sec. 19. It shall be the duty of the recorder of said city as soon as practicable, and within two days after the meeting of the common council, as provided in the preceding section, to notify the officers respectively, of their election; and the said officers so elected and notified as aforesaid shall, within ten days after such election, take the oath of office prescribed by

the constitution of this State, before some officer authorized to administer oaths, and file the same with the recorder of the city.

Sec. 20. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of March, in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Vacancy in
office of al-
derman;
how filled

Proviso.

Sec. 21. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman and justices of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the tenth day after the election next succeeding, or until his successor is elected and qualified; if an elective office which shall have become vacant was of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Vacancies in
appointive
or elective
office; how
filled.

Sec. 22. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward where such officer is to be chosen, a notice, signed by the recorder, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the annual

Special
election;
notice of.

Notice to be published.

city election; such notice shall also be published in a newspaper of the city at least once, or posted in three public places in the city or ward, as the case may be, before the day of such special election.

Notice of acceptance of office; where filed.

Sec. 23. Every person chosen or appointed by the common council before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the recorder a notice in writing, signifying his acceptance of such office.

What deem'd a refusal to serve.

Sec. 24. If any person elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, and such acceptance be signified, as aforesaid.

Recorder to furnish list of persons who have qualified, etc.

Sec. 25. At the expiration of twenty days after any election or appointment of any officer or officers in said city, the recorder of the said city shall deliver to the common council a list of the persons elected or appointed, and of the office to which they are chosen therein, specifying such as have filed with him the oath of office or notice of acceptance required by this act, and such as shall have omitted to file the same within the time prescribed.

Mayor to report persons who neglect to give bonds

Sec. 26. The mayor shall report to the common council the names of such officers as shall have neglected to give the bonds and securities required by the provisions of this act.

Resignations

Sec. 27. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Where electors shall vote.

Sec. 28. At all the city elections every elector shall vote in the ward where he shall have resided ten days next preceding the day of election. The residence of an elector under this

act shall be the ward where he boards or takes his regular meals, if he is not a householder.

Sec. 29. At any election held under this act, if from any cause Absence of inspectors; how provided for. either or all of the inspectors of election shall fail to attend any such election, at the appointed time and place, his or their place may be supplied for such election, by the electors present, who shall elect any of their number *viva voce*, who, when so elected, shall be duly sworn by an officer authorized to administer oaths, to a faithful performance of their duties.

Sec. 30. The expenses of any election to be held as provided Expenses of election; how paid. by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.

Sec. 31. Any person elected or appointed to any office under When terms of office to expire. this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

TITLE III.

OF THE POWERS AND DUTIES OF OFFICERS.

Sec. 1. The mayor shall be the chief executive officer of the Powers and duties of mayor. city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer, and see that all the officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council are faithfully observed. He To order arrest of disorderly persons. shall have the same power as conservator of the peace within the limits of the city as any justice of the peace has, or may by law have; and to this end it shall be lawful for him, when any person shall, in his presence, be guilty of a breach of the peace, or a violation of any of the ordinances of the common council, punishable by fine or imprisonment, to direct the mar-

To preserve
order in
council
room.

shal, or other officer, forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power, and it shall be his duty, to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours.

Recorder;
duties of.

Sec. 2. The recorder shall be the city clerk, and shall perform all the duties, and have all the statutory powers of a township or city clerk, in respect to the filing and custody of all papers required to be filed, and the performance of all other statutory duties. He shall keep a record of the proceedings of the common council, and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council, and if required, keep an account, as near as may be, to which fund the same belongs.

To keep rec-
ord of coun-
cil proceed-
ings.
To draw all
orders on the
treasurer.

Aldermen.

Sec. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The aldermen of said city, by virtue of their offices, shall be conservators of the public peace, and as such shall have and exercise all the power and authority of justices of the peace, as such conservators, in criminal cases, and enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction in civil cases.

To order
arrest of
offenders.

To report
subordinate
officers for
neglect of
duty.

To have
powers of
justices of
the peace.

Sec. 4. The marshal of said city shall be the chief of police; Marshal; to be chief of police. see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons, in the discharge of the duties imposed upon him by law. He may ap- May appoint deputies. point such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his May serve process. deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State, as sheriffs or constables have by law to execute similar process.

Sec. 5. The city attorney, under the direction of the common City attorney council, shall have charge of and conduct all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and To advise common council. shall also advise the common council boards of the city and their officers and committees, upon all matters appertaining to the business of said city, and the enactment of its laws and ordinances, when submitted to him for his opinion.

Sec. 6. The city treasurer shall have the custody of the City Treasurer. money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all To keep account of money received. moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants drawn by the mayor and recorder, and for school purposes, upon proper authority. He shall, once in each When required to settle with council. year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office, when required.

Supervisors;
to have same
power as
township
supervisors.

Sec. 7. The supervisors in said city shall have the same powers, and exercise the same duties, in relation to the assessment of their respective districts, and as members of the board of supervisors of the county of Manistee, as are possessed and performed by the supervisors of the townships in said county, and shall perform such other duties as are provided by law, not inconsistent with the provisions of this charter.

Street com-
missioner;
powers and
duties of.

Sec. 8. The street commissioner shall, when required, under the direction of the common council, superintend the making, paving, repairing, and opening of all streets, lanes, alleys and sidewalks within the limits of the city, and shall possess, in addition to the powers and duties specifically enumerated by this charter, the powers exercised by overseers of highways in townships, by statute, so far as consistent with this charter.

Justices of
the peace.

Sec. 9. Justices of the peace shall have such jurisdiction to hear, try and determine civil and criminal cases, as is given by statute, and shall also have jurisdiction of all cases arising under the charter or ordinances of said city.

Officers to
give bonds.

Sec. 10. The recorder, city treasurer, marshal and street commissioner shall respectively give bonds to the city in such sums and with such sufficient sureties, conditioned for the faithful performance of their respective duties, as shall be ordered and approved by the common council.

School
inspectors.

Sec. 11. The school inspectors shall perform such duties as are required of such officers by the laws of this State.

Other powers
and duties.

Sec. 12. The several officers above named shall perform all other duties and exercise such powers as may be defined by this charter, and the ordinances of the common council passed in conformity to it.

Ibid.

Sec. 13. All other officers shall have such powers and perform such duties as may be given and required by this act, and the ordinances and resolutions of the common council.

TITLE IV.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Sec. 1. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall, from time to time, appoint; and, on special occasions, whenever the mayor, or in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate, then the recorder shall, by written notice, appoint, and which shall be served on the members in such manner and for such time as the common council may, by ordinance, direct.

Common council; when to meet.

Sec. 2. The mayor, when present, shall preside at the meetings of the common council, and in his absence the recorder shall preside; but if both mayor and recorder be absent, then the common council shall appoint one of their number, who shall preside.

Who to preside at meetings of.

Sec. 3. In the proceedings of the common council each member present shall have one vote, except the mayor and recorder; and the mayor or recorder, if presiding, shall have a casting vote when the votes of the other members are equally divided.

What members of, may vote.

Sec. 4. The sittings of the common council shall be public, except when the public interests shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the recorder, and the same shall be open at all reasonable times to the public inspection.

Sittings of, to be public.

Sec. 5. Whenever required by one member, the votes of all the members of the common council, in relation to any act, proceeding or proposition had at any meeting, shall be entered at large on the minutes; and such votes shall be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Votes of members to be recorded when desired.

Sec. 6. A majority of the aldermen shall be a quorum for the transaction of business; but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring

Quorum of.

vote of a majority of all the aldermen; and the common council shall prescribe the rules for its own proceedings.

No member of, to be surety, or interested in any contract

Sec. 7. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or recorder from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emolument or fees to which he may be entitled by virtue of his office.

To control finances.

Sec. 8. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem advisable, within said city, for the following purposes:

May pass laws relative to—

Vice and immorality.

First. To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances and disorderly assemblages;

Police.

Second. To restrain and prevent disorderly and gaming houses, and houses of ill-fame; all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Gaming houses.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drunk,


any intoxicating liquors to any child or young person, without Liquors.
 the consent of his or her parents or guardian, and to prohibit, Auctions.
 restrain and regulate the sale of all goods, wares, and personal
 property at auction, except in cases of sales authorized by law,
 and to fix the fees to be paid by and to auctioneers;

Fourth. To prohibit, restrain, license, and regulate all sports, Shows.
 exhibitions of natural or artificial curiosities, caravans of
 animals, theatrical exhibitions, circuses, or other public per-
 formances and exhibitions for money;

Fifth. To abate and remove nuisances of every kind, and to Nuisances.
 compel the owner or occupant of any grocery, tallow chandler
 shop, butcher's stall, soap factory, tannery, stable, privy,
 hog-pen, sewer, or other offensive or unwholesome house or
 place, to cleanse, remove, or abate the same from time to
 time, as often as they may deem necessary for the health, com-
 fort, and convenience of the inhabitants of said city;

Sixth. To direct the location of all slaughter houses, markets, Slaughter
houses.
 and buildings for storing gunpowder, or other combustible and
 explosive substances;

Seventh. Concerning the buying, carrying, selling and using Gunpowder.
 gun-powder, fire-crackers, or fire-works manufactured and
 prepared therefrom, or other combustible materials, and the
 exhibition of fire-works, and the discharge of fire-arms, and Fire-arms.
 the lights in barns, stables and other buildings, and to restrain
 the making of bonfires in streets and yards;

Eighth. To prevent the incumbering of street  sidewalks, Streets.
 cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips,
 in any manner whatever, and to regulate and provide for the Water-crafts.
 anchorage, movement, shifting and removal of any and all
 water-crafts being and lying in the Manistee lake or river, or in
 front of, or in any dock, wharf, or slip in said city;

Ninth. To authorize any railroad in said city to determine Railroads.
 and designate the route and grades of any railroads to be laid
 in said city, and to restrain and regulate the use of locomotives, Locomotives
 engines, and cars upon the railroads within the city;

- Bathing.** *Tenth.* To prohibit or regulate bathing in any public waters, or in any open or conspicuous place, or any indecent exposure of the person in the city;
- Vagrants.** *Eleventh.* To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever;
- Pounds.** *Twelfth.* To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;
- Dogs.** *Thirteenth.* To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog fights in the streets;
- Offensive substances.** *Fourteenth.* To prohibit any person from bringing or depositing within the limits of said city, any dead carcasses, or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;
- Sidewalks.** *Fifteenth.* To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions;
- Disturbing noises.** *Sixteenth.* To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;
- Watchmen.** *Seventeenth.* To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;
- Building lines.** *Eighteenth.* To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging or placing of wooden buildings therein; to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to compel such buildings to be erected upon such line,

by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Nineteenth. To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality; Burial grounds.

Twentieth. To prevent and punish horse-racing, and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street; Horse racing

Twenty-first. To establish, order, and regulate the markets, to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and to prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions; impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city; Sale of un-wholesome meat. Markets. Proviso

Twenty-second. To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; to authorize and empower, under such regulations and upon such terms and conditions as they may choose, the laying of water-pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water; to grant such exclusive privileges as they may deem expedient, to any company for that purpose, and to regulate the supply and use of the water; Reservoirs. Water-pipes.

Twenty-third. To regulate sextons and undertakers for burying the dead; cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation; and to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire, carts, drays, cabs, hacks, or any kind Sextons. Cartmen. Licenses.

of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food or drink, or billiard tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire; auctioneers, peddlers, pawn-brokers, auctions, peddling, pawn-brokerage, taverns, hotels, victualing houses, saloons, and other houses or places for furnishing meals, food or drink, and keepers of billiard tables and ball alleys, not used for gaming: *Provided*, That no such license shall authorize the sale of any spirituous or malt liquors;

Stage
drivers.

Twenty-fourth. To prevent runners, stage drivers and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or elsewhere;

Lighting
streets.

Twenty-fifth. To make regulations for the lighting of the streets and alleys, and the protection and safety of public lamps;

Numbering
buildings.

Twenty-sixth. To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Duties of all
officers.

Twenty-seventh. To prescribe the duties of all officers appointed by the common council, and their compensation and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Preserving
the salubrity
of water.

Twenty-eighth. To preserve the salubrity of the waters of Manistee lake and river, or other waters within the limits of the city; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river, within the limits of the city; to prohibit and prevent the depositing or keeping therein any structures, earth, or substance tending to obstruct or impair the navigation

Navigation
of river.

thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, enclosing and mooring of vessels, and laying out of cargoes and ballast from the same; to fill up all low grounds or lots covered, or partially covered with water, or to drain the same, as they may deem expedient;

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

Thirtieth. To provide for taking the census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same;

Thirty-first. To establish a grade for streets and sidewalks, and cause the sidewalks to be constructed in accordance with the same;

Thirty-second. To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures; and all the laws of this State in relation to the sealing weights and measures, shall apply to said city, except as herein otherwise provided;

Thirty-third. To prescribe the lines upon which docks shall be built in Manistee river and lake, and beyond which they shall not extend, and to enforce the same by fine not exceeding five hundred dollars; and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair;

Thirty-fourth. To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to lease the wharves and wharfing privileges at the ends of streets on the Manistee river and lake in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct, and may determine what buildings may be erected thereon; no lease thereof shall be executed for a longer period than ten years, and a free passage at all times shall be

secured for all persons, with their baggage, over said public wharves;

Bridge
rights.

Thirty-fifth. To purchase the bridge, and rights and franchises of the Manistee bridge company.

Style of
ordinances.

Sec. 9. The style of all ordinances of the common council shall be: "It is hereby ordained by the common council of the city of Manistee."

Establishing
boundaries
of streets.

Sec. 10. The common council may ascertain, establish, and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, the prevention of fires, the preservation of the public health, the levying of taxes, the supplying the city with water, and all other subjects of municipal regulations herein expressly provided for.

Penalties
and impris-
onment.

Sec. 11. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars (unless a greater penalty be herein otherwise provided) for a violation thereof, or that the offender be imprisoned in the county jail or house of correction for a term not exceeding ninety days; or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine or imprisonment, (within the limits aforesaid,) in the discretion of the justice who shall try the offender.

Time when
ordinance
shall take
effect.

Sec. 12. No ordinance of the common council, imposing a fine or imprisonment, shall take effect until the same shall have been published for two weeks successively in a newspaper published in said city.

How ordi-
nances, etc.,
may be read
in evidence.

Sec. 13. A record or entry made by the recorder of said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence, in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either—

First. From a copy certified by the recorder of the city of From certified copy.
Manistee; or,

Second. From the volume of ordinances purporting to be From volume printed by authority.
printed by the authority of the common council.

Sec. 14. The common council shall have power, whenever in May construct city almshouse.
their opinion, the necessities of the city require, to construct a
city alms-house, city hall, city market or markets, and city
slaughter house, and appoint the keepers or clerks, and neces-
sary officers thereof, and may locate such city alms-house and
city slaughter house within or without the city limits, and may
make such regulations in regard to the same, as the common
council may think proper.

Sec. 15. The common council shall, in the month of Febru- To make annual statement.
ary, in each year, make out a detailed statement of all the
receipts and expenditures of the corporation for the past year,
which statement shall state particularly upon what account all
moneys were received, and it shall also specify all appropri-
ations made by the common council during the year, and the
particular purpose for which each appropriation was made.
Such statement shall be signed by the mayor and recorder, and
be filed in the recorder's office, and a copy thereof shall be
published in a newspaper printed in said city, for at least two
weeks.

Sec. 16. The common council shall have authority to make May pass by-laws relative to compensation, etc., of officers.
all by-laws and ordinances, relative to the powers, duties and
compensation of the officers of said corporation, subject to the
restriction as to the compensation of officers mentioned in this
act; to provide for the collection and disposition of all fines
and penalties which may be incurred under the by-laws and
ordinances of said city, and to make all such other by-laws,
ordinances and regulations for the purpose of carrying into
effect the powers conferred by this act, which they may deem
necessary to provide for the safety and good government of
the city, and preserve the health and protect the property of
the inhabitants thereof; and to this end the common council

May impose fines and penalties. may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them, as aforesaid.

TITLE V.

FINANCE AND TAXATION.

Common council to settle all claim against the city.

Sec. 1. The common council shall examine, settle and allow all accounts and demands properly chargeable against the said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

To levy taxes.

Sec. 2. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed, until the same shall be paid: *Provided,*

Proviso.

That they shall not raise by general tax, in any one year, exclusive of school taxes, more than three thousand dollars for general purposes, nor more than two thousand dollars for street or highway purposes, except as hereinafter stated, unless authorized thereto by a vote of the property tax-payers of said city, who are electors, when convened for that purpose, pursuant to previous notice: *Provided,*

Ibid.

The common council shall have the power, at the request of a majority of the property tax-paying electors of any ward, to cause to be levied and collected by tax in such ward, as other taxes, a sum not exceeding one thousand dollars per annum for highway purposes, to be expended in said ward, under the direction of the aldermen of said ward.

How extra money may be raised.

Sec. 3. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school taxes, than three thousand dollars for general purposes, or two thousand dollars for street or highway purposes, they shall give at least five days' notice, in writing, to be posted up in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be

expended; and when such meeting shall be assembled, in pursuance of such notice, such electors, by a ballot vote, shall determine the amount of money which shall be raised for each object specified in the notice: *Provided*, That such tax shall not, in any one year, exceed two per cent. of the valuation of the real and personal estate taxable within the limits of the city: *And provided also*, That not more than two such meetings shall be holden, in any one year, to determine the amount of tax to be raised. At all such meetings, the mayor, or in his absence, the recorder shall preside.

Sec. 4. The treasurer of said city shall collect all taxes levied or assessed in said city, and for that purpose such treasurer shall give bonds to said city, in such sum and with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Manistee such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purpose of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer on giving the bonds or security so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as this act imposes.

Sec. 5. The treasurer of said city shall retain all sums of money collected on his tax roll for city purposes, and the said treasurer shall, in all other respects, pay over all moneys received in payment or on account of taxes, in the manner and at the time required by law of the treasurers of the several townships of this State.

Sec. 6. The supervisors of said city shall complete their assessment of all taxable property in said city on or before the fourth Monday in May.

Board of re-
view; who
to constitute

When shall
meet.

To keep rec-
ord of their
proceedings.

Assessment
roll; recor-
der to deliv-
er, to board
of review.

Contents of.

Treasurer to
hold, for cer-
tain time.

Sec. 7. The recorder, supervisors, and city attorney shall constitute a board of review, a majority of whom shall constitute a quorum. They shall have power and it shall be their duty to examine said assessment and correct any errors found therein; to reduce, equalize, or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same. They shall, on the first Wednesday after said fourth Monday of May, meet at the office of the recorder, in said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do, may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed, and the said board shall decide upon the same, and their decision shall be final; and the said board shall keep a record of their proceedings, and all changes made by them in said rolls, and their record shall be deposited with the city recorder.

Sec. 8. The said recorder shall deliver the assessment roll to the said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their records, the said recorder shall again take such roll into his possession, and cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year for city, school, and highway purposes, and all other corporation taxes not herein otherwise provided for, to be ratably assessed to each valuation on said roll, or book prepared for that purpose, to be known as the tax roll, in separate columns, showing the amount of highway, school, city, and other taxes assessed according to this act, to each valuation in each year; and when said tax roll has been completed, and on the second Monday of July, the recorder shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, who shall retain said tax roll in his office for forty days; during the first twenty days of said forty days, any person assessed therein may pay the

amount of taxes assessed against such person respectively to said treasurer, free from any charges or percentage for collection; said treasurer shall receive and give a receipt therefor, and mark the same paid upon the roll. The treasurer shall add to the sums extended on the roll the sum of one per cent. as fees for the collection of such taxes and assessments as shall be paid during the next twenty days of the said forty days; and within ten days after the expiration of the time for the payment of taxes to the treasurer as aforesaid, the recorder shall then cause to be made out a copy of so much of said assessment roll as remains due and unpaid, filing the original in his office, and shall add such percentage as shall have been fixed by the common council, as compensation for the collection of such taxes or assessments, not exceeding four per cent. The recorder shall annex or attach a warrant to said tax or assessment roll, directed to the treasurer of the city, and made returnable upon the last Saturday of October then next following, commanding him to collect from the persons named in the assessment roll, the assessment of taxes therein specified and set forth, as due from such persons; and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant or lessee refusing or neglecting to pay the same, whenever or wherever the same may be found within the limits of said city, and to pay over and account for the taxes and assessments then collected, according to law. The recorder shall charge the amount of taxes remaining unpaid upon said roll, to the treasurer of said city receiving the same, and shall also take a receipt therefor; warrants for the collection of taxes or assessments may be extended or renewed, from time to time, as the common council shall direct.

Treasurer to add fees for collection.

When recorder shall attach warrant to, and order treasurer to collect.

Treasurer may sell personal property.

Warrant; how may be extended.

Sec. 9. The treasurer shall receive all taxes assessed for State and county purposes, without charging any percentage thereon until the first day of January in each year; and to that end he is hereby required to deduct from the amounts extended on said roll all percentage which may have been added in the assessment or extension of taxes thereon, in all cases when the

When treasurer shall deduct percentage.

same are paid prior to the first day of January. After the said first day of January the said treasurer shall collect the said taxes and assessments, as charged in said roll, in the manner required by law, subject however, to the provisions of the next section.

Manner of
collecting
taxes.

Sec. 10. The treasurer shall not be required to call upon the persons whose names appear upon the assessment roll, or at such persons' usual place of residence, and shall not be required to demand payment of the taxes charged on such tax roll or list in the collection of any State, county, city, or other taxes in said city; but such treasurer shall, two weeks before the time fixed by law for the delivery of any tax roll to said treasurer, give notice by publishing the same in all the newspapers published in said city, and by posting the same in three public places in each ward of said city, of the time when such treasurer will receive such roll, and of the time when by law he will be required to receive the taxes thereon; and containing a further notice that said treasurer is not required by law to call upon the persons assessed in such roll, or demand the payment of such taxes: *Provided*, That any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or the measures thereafter to be taken to enforce collection of the taxes therein assessed; such notice shall be published in said newspapers for four successive weeks.

Proviso.

Common
council to
decide am't
of tax to be
raised.

Sec. 11. It shall be the duty of the common council, on or before the last Saturday preceding the first day of June in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it is hereby made the duty of the recorder of said city to levy the sum so determined upon, and such other taxes as may be required by law, upon the taxable property of said city, in the manner specified in section seven of this title.

Recorder to
make copy
of assess-
ment roll.

Sec. 12. When said assessment roll shall have been confirmed by the board of review, as mentioned in section six of this title, it shall be the duty of the recorder to make a copy of the same as confirmed, to be certified by the recorder, under the

seal of the city, and retain the same until after the equalization thereof by the board of supervisors of Manistee county, which is hereby declared to be the assessment roll for all purposes whatsoever, except for the purpose of extending the assessment roll for the collection of city taxes, as provided in section eight of this title; and the recorder shall extend upon the same all State and county taxes certified to him from the board of supervisors, at the same time, and in the same manner as township supervisors are or may be by law required to do, and shall annex thereto a warrant, signed as provided in section seven of this title, and in all other respects the same as is, or may be by law, required in warrants of township treasurer's for the collection of township or county taxes.

Sec. 13. The treasurer shall, within ten days after the expiration of his warrant, make a full return of all taxes collected by him, and of all descriptions of real estate delinquent for taxes, in the same manner as township treasurer's are now or may be by law required to make to the county treasurer, which return shall be made under oath, and filed with the county treasurer, and a copy thereof filed with the city recorder.

Sec. 14. The taxes assessed for city purposes upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of July, and shall be a lien on said real estate from the fifteenth day of November, of the year in which such tax was assessed.

Sec. 15. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or authorize the creation of any liability or indebtedness against said city, in any one year, exceeding in the aggregate the amount which by this act may be raised by tax for such year; and in case any sum or sums of money shall be borrowed by said common council, or any officer thereof shall enter into any contract or contracts for the payment of money, binding upon said city, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise pro-

When treasurer shall make return of taxes collected.

Taxes to be a lien on real estate.

When common council may borrow money.

Bonds not to be sold at less than par value.

vided for; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes, for the purposes of local improvements. No bonds or other evidence of indebtedness of said city shall be sold or negotiated by the city or any officer thereof at less than its par value; and said city shall be incapable of binding itself to pay a greater rate of interest than ten per cent. per annum upon any contract, bond, or loan.

Assessments to be made on last valuation.

Sec. 16. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in the said city, according to the valuation of the same, as from the valuation thereof by the last preceding assessment rolls filed in the office of the recorder; but no real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park, or other public ground, shall be assessed for the ordinary city or county taxes.

Sinking fund; when may be created.

Sec. 17. Whenever, by the provisions of this act, the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund, for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, in addition to the other taxes hereinbefore provided for, which shall not exceed in any one year three mills on the dollar, on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as the ordinary city taxes are levied and collected, but shall be put in a separate column in the tax roll, and when so collected, the same shall be applied to the credit of such sinking fund, for the purpose of paying off the principal and the interest of the debt so created, as the same becomes due, and for no other

purpose; and the fund so raised shall be securely invested in ^{How} stocks of the United States, or of this State; and said sinking ^{invested.} fund shall not be used or borrowed for any other purpose than that for which it was raised.

Sec. 18. No money shall be drawn from the city treasury ^{Manner} unless it shall have been previously appropriated to the pur- ^{of drawing} pose for which it shall be drawn; and all ordinances, resolu- ^{money from} tions and orders directing the payment of money shall specify ^{city treasury} the object and purposes of such payment, which shall be certified by the recorder and countersigned by the mayor before the same shall be paid by the treasurer.

Sec. 19. The treasurer shall, at the first regular meeting of ^{Treasurer} the common council in each month, make report of the finan- ^{to make} ces of said city, showing what appropriations and payments ^{monthly} have been made out of each of the several funds of said city ^{report.} since his last preceding report, and of the state of each of said funds.

Sec. 20. Every male inhabitant of said city, being over ^{Poll tax.} twenty-one and not over sixty years of age, shall be liable to pay to said city a poll or capitation tax of one dollar; the common council shall, by ordinance, prescribe the time and manner of assessing and collecting said tax, and the officer by which the same shall be assessed and collected; and any person refusing or ^{Penalty for} neglecting to pay such tax when called upon by the officer so ^{non-paym't} authorized to collect the same, shall be punished by a fine of five ^{of.} dollars. All taxes and fines received by the city, pursuant to this section, shall be credited to the highway fund of said city.

Sec. 21. No bond, note, or other obligation or evidence of ^{When bonds} indebtedness of said corporation, except orders on the treas- ^{may be} urer, as hereinafter provided, shall ever be given or issued by ^{issued.} said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the Legislature of this State, and shall have been submitted to, and voted for, by the tax-payers of said city, in conformity to this act; but the common council may allow just claims against

All moneys
to be paid
into city
treasury.

the city, and may issue orders therefor on the treasurer, payable on the first day of February next thereafter, but such orders shall not in the aggregate, in any one year, exceed the aggregate of taxes levied to pay the same in such year. All moneys received for the use of said city, shall be paid into the city treasury; and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, except school moneys drawn upon lawful authority, and the treasurer shall pay out no money, except as above stated, but upon the written warrant of the mayor and recorder.

TITLE VI.

STREETS, SIDEWALKS, AND PUBLIC IMPROVEMENTS.

Common
council to be
commissioners of highways,

To regulate
time of
working on
streets.

To provide
for erection
of lamp
posts.

To lay out
streets.

Discontinue
streets.

Sec. 1. The common council shall be the commissioners of highways for said city, and shall have the care, supervision and control of the highways, streets, bridges, lanes, alleys, parks, and public grounds therein, and of keeping, preserving, repairing, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds. The common council shall have power to regulate the time and manner of working upon the streets; to provide for grading and paving the same; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to provide for the erection, preservation and maintenance of lamp-posts and lamps in said streets, and to provide for lighting the same; to provide for the planting and protection of shade trees along the sides of the streets and on public grounds in said city, and to keep such public grounds in good condition; to lay out, open and repair streets and alleys, and the same to alter and vacate, and to alter and vacate those already laid out. Whenever the common council shall be applied to, in writing, by ten or more freeholders of said city, to lay out, establish, open, alter, or discontinue any street, common, lane, alley, sidewalk, highway, water-course or bridge,

they shall proceed to lay out, establish, open, alter, or discontinue the same, as hereinafter directed: *Provided*, That no Proviso.

second application shall be made within twelve months for that purpose.

Whenever the common council shall be applied to, as before mentioned, to lay out and establish, open, alter, or discontinue such streets, commons, lanes, alleys, sidewalks, highways, water-courses and bridges, the common council shall give notice thereof to the owners or occupants or persons interested, or his or their agent or representative, by personal service or by posting up notices in five or more public places in the city, stating the time and place, when and where the common council will meet to consider the same, which notice shall describe the street, lane, common, alley, sidewalk, highway, water-course, or bridge proposed to be laid out, altered, opened, established or discontinued, and which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested, who may appear before them, the common council shall determine to lay out or alter any street, lane or alley, they may proceed to obtain a release of the right of way for the proposed street, by gift or purchase.

To give notice of meeting to consider the opening of any street.

How may obtain right of way.

If the terms of such release shall not be agreed upon, it shall be lawful for the mayor, or in case the mayor shall be absent, for the recorder to apply to any justice of the peace of said city for the appointment of a jury of twelve freeholders of the county, to appraise the damage thereon to such person as shall not have released all claim for damages, or agreed with the common council on the price to be paid by reason of the establishing, laying out, opening, or altering such street, common, lane, alley, sidewalk, highway, water-course or bridge, which application shall describe the premises through which it is proposed to open, alter, lay out, establish, or discontinue such street, common, lane, alley, sidewalk, highway, water-course or bridge. Upon the receipt of such application, said justice shall make a list of twelve disinterested freeholders residing in the county, and shall issue a venire, under his hand, directed to the marshal of said city or any constable of said county,

May demand a jury.

When justice of the peace to summon jury.

Jurors to
make re-
turns to
justice.

Compensa-
tion of.

Right of ap-
peal from
decision of
jury.

How dam-
ages shall be
paid.

commanding the officer therein named to summon the persons named in said list to be and appear at his office on some day to be therein named, not less than six days nor more than twelve days from the time of issuing the same, to serve as jurors to appraise the damages occasioned by taking the property described in such application for the purposes of such street, common, lane, alley, sidewalk, highway, water-course or bridge; and if all the jurors shall not appear, the said justice shall cause a sufficient number of talesmen to be summoned to make a full jury. The jurors shall be sworn by such justice to appraise the damages occasioned by taking the property described in such application, for the purposes aforesaid. They shall proceed to view the premises described, and shall, within five days thereafter, make returns to the said justice, in writing, signed by them, of their doings, which shall state the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice and filed in the recorder's office. Such jurors shall be entitled to receive one dollar per day, and fifty cents for each half day, and the justice and marshal or constable each one dollar for their fees, and the award of said jury shall be final and conclusive, as to the necessity of taking such lands for the public use in question; but any party interested in the award of damages rendered by such jury, shall have the right of appeal to the circuit court for said county of Manistee, upon the same proceedings as are provided by general laws of this State for appeals of causes from justices' courts. The damages which shall have been awarded, as hereinbefore provided, or which shall have been contracted to be paid by said common council, as in this section provided, and the fees and charges lawfully incurred, shall be levied and collected in said city, and shall be paid on the order of the common council, as other city charges, and such order for damages shall be delivered or tendered to the person or persons in whose favor such award of damages shall be made, if known, and residents of said city, before such

street, lane or alley shall be opened or used: *Provided*, The Proviso. parties in whose favor an award of damages shall be made are unknown or be non-residents, it shall be sufficient to make the award of damages to the "unknown owner or owners, or non-resident owner or owners" of the parcel of land taken, describing it as the parcel through which street, lane, alley, sidewalk, bridge or highway may run, and the unknown parties or non-residents shall be entitled to receive their orders, as aforesaid, upon proof to the common council of their ownership of said property so appropriated to the public use.

Sec. 2. The common council shall have all the powers given Council to have all powers of highway com'rs. by statute to highway commissioners, so far as applicable, except as herein otherwise provided; and the city recorder shall discharge the like duties as are imposed on the township clerk by the provisions of law.

Sec. 3. When the damages or compensation aforesaid shall Compensat'n tendered to owner. have been paid or tendered to the person entitled thereto, or an order on the city treasurer for the amount of such damages shall have been executed and delivered, or tendered to such person or persons, if known, and residents of said city, said common council shall then give notice to the owner or occupant of the land through which any such highway, street, lane, alley, or common, sidewalk or water-course shall have been laid out, altered or established; or if such owner or occupant shall not When council may order fences removed. be known, or be non-resident, then by posting such notice in three public places in the ward or wards in which said property shall be situated, and require him within such time as they shall deem reasonable, not less than thirty days after giving such notice, to remove his fence or fences; and in case such Proceedings in case of refusal, by owner. owner or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said common council shall have full power, and it shall be their duty to enter, with such aid and assistance as shall be necessary, upon the premises and remove such fence or fences, and open such highway, street, lane, alley, sidewalk or water-course, without delay, after the time specified in such notice shall have expired:

Proviso. *Provided*, That in the rural districts of said city no person shall be required to remove his fence or fences between the first day of May and the first day of November: *Provided further*, That in case of appeal as to amount of damage to be awarded, it shall not be necessary to await the final decision of such appeal before taking such property for public use, the necessity for taking the same being established by the determination of said jury.

Title to street not to be gained by lapse of time Sec. 4. No person shall be deemed to have gained any title as against the city by lapse of time, to any street, lane, alley, common, or public square heretofore or hereafter laid out or platted by the proprietor or proprietors of said city, or any part thereof, by reason of any encroachment or enclosure of the same.

Expenses of opening streets; how paid. Sec. 5. The common council shall have power to cause the expense of making, paving, and opening streets, lanes, and alleys, of grading, paving, or planking sidewalks, of making drains, sewers, water-courses, and ditches, and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, or by general tax, as they may deem just and proper: *Provided*, That no such assessment shall be made or collected other than by general tax, unless upon the application, in writing, of a majority of all the owners of real estate which may be subject to pay the tax for such local improvement; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold or leased for a term of years to pay such assessment.

Common council to require the cleaning of sidewalks. Sec. 6. The common council shall have power to provide for keeping clear, repairing, and renewing, when necessary, all sidewalks that are now made, or may hereafter be made, planked, or paved within the city of Manistee, and to make rules and ordinances to require the respective owners or occu-

pants of real estate in said city, having a sidewalk in front thereof, to keep it clear and in good repair, or renew, when necessary, the sidewalks in front of the premises owned or occupied by them respectively; and the common council shall have power to provide for enforcing, by fine or otherwise, the repair, clearing, or renewing the sidewalks, against the owner or occupant whose duty it is to repair, clear, and renew the same, and may prescribe the time and manner of notifying and requiring persons to clear, repair, or renew such sidewalks preparatory to imposing fine or penalty, and the manner of imposing, levying, and collecting any such fine or penalty, and may prescribe the manner of assessing, levying, and collecting from the person or persons liable to pay, from their goods and chattels, or by sale, or by lease for years of the premises in front of which such sidewalk shall be; and if by reason of the neglect of the owner or occupant, whose duty it may be at the time to clear, repair, or renew the same, such sidewalk shall have been repaired or renewed by or under the direction of the proper city officers, the expenses of such clearing, repairing, or renewing, with the cost and expenses of clearing the same, shall be chargeable against such persons so neglecting, as aforesaid; the common council shall have power to establish the grade of any sidewalk to be constructed or renewed in said city, to prescribe the width of the same, and the material of which the same shall be composed, and may enforce, as aforesaid, a compliance with their orders in respect to the same.

To collect fines.

To repair sidewalks, in case owners neglect to do so.

Sec. 7. Whenever an action shall have been maintained, and judgment recovered against said city by any person, on account of damages sustained by reason of any defective sidewalk, or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or on account of any excavation in the street by any gas, hydraulic, or railroad company, and such owner, occupant, or company shall have been reasonably notified to appear and defend said action, the judgment, if any, obtained against said city, shall be conclusive as to the amount of dam-

Damages from defective sidewalks, ch'g'd to owners.

ages, and the validity of the claim of the city against such owner, occupant, or company, and the same may be recovered in any action for money paid for the use of said owner, occupant, or company, or in any other proper form of action.

TITLE VII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

Common council may establish fire limits.

Sec. 1. For the purpose of guarding against the calamities of fires, the common council may from time to time, by ordinance, designate such portions and parts of said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and material thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

May require the making of scuttles and ladders.

Penalty.

Sec. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roof of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

May direct the construction of ash boxes, etc.

Sec. 3. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chimneys, flues, stove-pipes, and all other conductors of smoke, and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having

therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleaned, and may collect the expenses thereof, and ten per cent. Penalty. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Sec. 4. The common council may regulate the use of lights May regulate the use of lights in stables. and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns, or safety lamps in such buildings, and may regulate Keeping of gunpowder. the transporting, keeping, and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of any Moving of chimneys. hearths, fire-place, stove-pipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires, as they may deem necessary.

Sec. 5. For the purpose of enforcing such regulations, the May appoint persons to examine condition of houses. common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times to enter into and examine all dwelling houses, buildings, and tenements of every description, and all lots, yards, and enclosures, and to cause such as are dangerous to be put in safe condition, and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the situation of any building in respect to its exposure to fire, and whether any scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common

council shall deem necessary to guard the city from the calamities of fire.

May establish fire-companies.

Appoint firemen.

Duties of firemen.

Sec. 6. The common council may also establish, maintain, and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire engines, and other implements and instruments necessary to be used in extinguishing fires, and may provide suitable engine houses for such companies, and may appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hooks, ladders, and other instruments and implements in its charge, in good and perfect repair; and it shall be the duty of each fire company to assemble, at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in its charge, with a view to the keeping the same in perfect order and repair; and upon any alarm or breaking out of any fire in said city each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer or other person for the time being lawfully acting as chief engineer of the fire department.

Duty of marshal at any fire.

Sec. 7. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing, and securing the same, and for that purpose act as chief of police; and in pursuance of his duties, the marshal shall be, in all respects, obedient to the mayor,

aldermen and fire wardens, or either of them, or such of them as may be present at such fire; and the mayor, or any alderman may require the assistance of all bystanders in extinguishing such fire, and in the removal, preservation and protection of all property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Sec. 8. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally, any constable, watchman, or any citizen, to arrest such person and confine him temporarily in a safe place, until such fire shall be extinguished; and in the same manner, such officers, or any of them, may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly.

When persons may be arrested at fires.

Sec. 9. The firemen of said city shall annually elect one of their own number to be chief engineer, who shall have command of the whole fire department of the city. They shall, also, at the same time, elect assistant engineers from their number, and shall appoint a fire warden for each ward of the city, whose powers, duties and compensation shall be prescribed by the common council, and they shall also appoint a city watch of one or more persons, not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the city; their duties and compensation, when in actual service, to be prescribed by the common council.

Officers of fire companies; when elected.

Compensation of.

Sec. 10. Every person belonging to an organized fire company, in said city, may obtain from the city recorder, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such,

Firemen to be exempt from poll tax and jury service.

shall be exempt from serving on juries, and from paying a poll tax in said city.

Council may provide compensation to any injured fireman.

Sec. 11. The common council may provide suitable compensation for any injury that any fireman may receive to his person or property, in consequence of the performance of his duties at any fire.

When chief engineer may order building torn down.

Sec. 12. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful for the chief engineer, with the consent of the mayor or any alderman, or for any two aldermen, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person, or against the said city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained.

Damages to owner; how paid.

At the expiration of the three months, if any such application shall have been made in writing, the common council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damage, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as provided by title six of this act, for the ascertainment, assessment, collection, and payment of damages sustained by the taking of lands for the purposes of public improvement.

Common council may compel steamboats to be provided with spark-catchers.

Sec. 13. The common council shall have full power and authority to prohibit, by ordinance, any and every steamboat, propeller, or other craft propelled or operated, either in whole or in part by steam, from landing or approaching within one hundred feet of any dock or wharf or bank in said city, unless provided with a good and sufficient spark-catcher, so as to prevent cinders or sparks passing into the open air, to the danger of firing any property in said city, and may enforce such ordinance by a fine not exceeding five hundred dollars against

the master or owner, or person having charge of the said steamboat, propeller or other craft which shall, by the direction or command of the master, owner, or person having charge thereof, violate the provisions of such ordinance, and be convicted thereof; and a fine being imposed therefor by any justice's court of said city, such fine and all the costs of the proceedings shall be a lien on such steamboat, propeller or other craft, and may be enforced in the name of the city against such boat, vessel or craft, in the same manner that other liens are enforced against water-crafts: *Provided, That* Proviso. in any proceedings to enforce such lien no bond or other security for costs shall be required to be given by said city.

TITLE VIII.

OF COURTS OF JUSTICE.

Sec. 1. Justices of the peace of said city shall have like powers and jurisdiction, and be subject to the same duties and liabilities as is now or may hereafter be provided by law in relation to justices of the peace in the several townships of this State. The present incumbents of the office of justice of the peace in the township of Manistee, and within the limits of said city, shall continue to hold such office until the expiration of their said terms of office, as now provided by law, and shall have the powers and jurisdiction, and be subject to the liabilities prescribed in this act. Justices of the peace; duties of. Term of office of present incumbents.

Sec. 2. Any justice of the peace residing in said city shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing by the city attorney, sworn to positively or upon the information and belief of such attorney, or upon the oath of any other person, to inquire into, hear, try, and determine all offenses which may be committed in said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders, as by the said by-laws or ordinances shall be pre- To try and determine offenses in city.

To award
process.

scribed or directed; to award all process and take recognizances for the keeping of the peace, for the appearance of the persons charged and upon appeal, and to commit to prison as occasion shall lawfully require.

To issue
warrant for
arrest of
offenders.

Sec. 3. In all prosecutions for the violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made in writing by the city attorney, or by any other person, upon oath, before any justice of the peace, setting forth therein the substance of the offenses complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of said city, or any constable of the county of Manistee, (except in case mentioned in section five of this title,) and such process may be executed by any of said officers, anywhere within the county of Manistee, and shall be returnable the same as other similar process issued by justices of the peace; that upon bringing the person charged before said justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of "not guilty," for the person so charged; that upon said complaint and plea a trial shall be had, and upon conviction of the said offender, and the imposition of a fine, it shall be the duty of such justice of the peace to issue an execution, directed to the marshal of said city, or any constable of said county, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county of Manistee, or to the city prison of said city; and the sheriff or keeper of said prison shall safely keep the body of the person so committed, until he be discharged by due course of law; and in case by the judgment of said justice a fine be imposed, and by such judgment it be further provided that such person so convicted, on failing to pay said fine so imposed, shall be im-

To order
marshal to
collect fines,
and commit
to jail.

prisoned in the county jail of Manistee county, or city prison, until the payment of such fine, not exceeding a term to be fixed in said judgment, and not exceeding in any case the term of ninety days, then said justice shall issue a commitment directed as aforesaid, commanding the commitment of such person to the said jail or prison until the payment of such fine, not exceeding the time fixed in the judgment of the court, or until he be discharged by due course of law; and in cases where fine and imprisonment, or imprisonment alone shall be imposed upon the person so convicted by the judgment of such justice, said justice shall issue the necessary process to carry such judgment into effect; and in all cases where any person shall be committed to said jail in the manner aforesaid, the sheriff of Manistee county, or keeper of the said jail or city prison, shall receive and safely keep the body of such person so committed, until discharged by due course of law.

Sec. 4. In prosecutions for the violation of any of the by-laws or ordinances of said city, it shall not be necessary to plead or set forth any such by-law or ordinance, or any of the provisions thereof, in any complaint, pleading, warrant, writ, or process, but the same shall be deemed well and sufficiently pleaded and set forth by reciting the title to any such ordinance or by-law, and the date of its passage or approval; and the court or officer before whom any such prosecution shall be tried shall take notice, without proof, of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

How by-law shall be recited to be received as proof in court.

Sec. 5. The corporation of Manistee city shall be allowed the use of the common jail of said Manistee county, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the

Corporation to have use of county jail.

person so committed until lawfully discharged, as in other cases.

Proceedings
when crim-
inal shall
have escap'd
from city.

Sec. 6. Whenever any person charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside, or be without the limits thereof, any justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant to the sheriff of the county of Manistee, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff to whom such warrant shall be delivered for service, is hereby required to execute the same under the penalties which are by law incurred by sheriffs for neglecting or refusing to execute other criminal process; and in case the person charged as aforesaid shall be within the county of Manistee, the said warrant may be served by the marshal of the city, or by the sheriff or any constable of the city or county.

How process
shall be di-
rected.

Sec. 7. All process issued by any justice of the peace, to enforce or carry into effect any of the by-laws or ordinances of the common council, except in the cases mentioned in section five of this title, shall be directed "to the marshal of Manistee city, or any constable of the county of Manistee," and such process may be executed by any of said officers anywhere within the county of Manistee, and shall be returnable the same as other similar process issued by justices of the peace.

Jury allowed
in all justice
trials.

Sec. 8. In all trials before any justice of the peace, of any person charged with the violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, he shall have the right of appeal from the justices court to the circuit court, and shall abide the order of the court therein, on the same terms as is or may be required by law in appeals from justices' courts in similar cases.

Right of
appeal.

Sec. 9. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Manistee, under the direction of the common council, or of the attorney of said city; and no person, being an inhabitant, freeman, or freeholder of the said city, shall be disqualified for that cause, from acting as a judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any ordinance of the common council, nor from serving any process, summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest, or investigation the said city, or any city or ward officer is a party, or in which said city or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

How suits for violation of ordinances shall be brought.

Citizens to be competent as witnesses and jurors.

Sec. 10. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court of Manistee county, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city.

City to have right of appeal.

Sec. 11. All persons, being habitual drunkards, destitute, and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market-places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go

Vagrants, drunkards, etc., how may be dealt with.

about from door to door, or place themselves in streets, highways, passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to confinement at hard labor in the county jail or city prison for any time not exceeding sixty days.

Persons deserting their families, deemed disorderly persons.

Sec. 12. All persons who shall have actually abandoned their wives or children in the said city, or who may neglect to provide according to their means for their wives and children, are hereby declared to be disorderly persons within the meaning of chapter thirty-nine, of title nine, of the revised statutes of 1846, and may be proceeded against as such, in the manner directed by said title; and it shall be the duty of the magistrate before whom any person may be brought for examination, to judge and determine, from the facts and circumstances of the case, whether the conduct of such person amounts to such desertion or neglect to provide for his wife and children.

Council to direct disposition of fines, penalties, etc.

Sec. 13. All moneys received by said city for fines, penalties, and forfeitures, shall be disposed of as the common council may direct, who shall have power to remit any fines or penalties which are imposed by this act.

TITLE IX.

PUBLIC HEALTH.

Board of health; duties of.

Sec. 1. The common council of said city may constitute a board of health for said city, and may appoint a competent physician to be the health officer thereof.

To prevent entrance of infectious diseases.

Sec. 2. The said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose, every person coming from any place infected, or believed to be infected with such disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any

To regulate pest-house.

person, not being a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description, which are or may be injurious to the public health, in any way and in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

To cause removal of infected persons to pest-house.

To remove tainted goods.

To abate all nuisances.

Sec. 3. The captain, master, or person in charge of any steamboat, or other craft or vessel which shall enter into the city, having on board thereof any person sick of any malignant fever or pestilential or infectious disease, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master, or person in charge, within two hours after his arrival, to report in writing to the mayor, or some health officer, the fact of such sick person's being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or to be landed, until the board of health, or some member thereof, shall give permission for that purpose; and any neglect or violation of these provisions, or of any or either of

Masters of vessels; duties of, respecting sick persons.

them, shall be a misdemeanor, punishable with fine and imprisonment.

Conductors
of cars, etc.,
to report
cases of sick-
ness.

Sec. 4. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Penalty for
bringing into
city infected
property.

Sec. 5. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

Board of
health may
require the
removal of
any vessel
having on
board dis-
eased per-
sons.

Sec. 6. The board of health shall have power, by an order in writing for that purpose, to be served on the captain, master, or person in charge of any steamboat, or other vessel or craft, or any owner or consignee thereof, if such boat, craft or vessel be by them suspected to have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove to some certain distance, not exceeding three miles from the city; and every such captain, master, person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, vessel or craft shall enter the city in violation of such order, and shall not be removed, according to the tenor of such order, within a reasonable time, not exceeding three hours after the service of such notice.

Hotel keep'rs
and physi-
cians to re-
port case of
sickness to.

Sec. 7. Every keeper of an inn, or boarding house, or lodging house in the city, who shall have in his house at any time any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came

to the house or was taken sick therein, to the mayor or some officer or member of the board of health; every physician in the city shall report, under his hand, to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Sec. 8. All fines imposed under title nine of this act shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Sec. 9. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, ships or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold, in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which

All fines to be paid into city treasury

Common council may order draining, etc., of yards.

May assess charges for all work done.

Expenses may be included in one assessment.

such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city; and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Council may order the repairing or pulling down of all dangerous buildings

Sec. 10. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Recorder to be clerk of board of health.

Sec. 11. The recorder shall be clerk of said board of health, and it shall be his duty to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer.

TITLE X.

MISCELLANEOUS PROVISIONS.

Examinat'n of sufficiency of sureties.

Sec. 1. The common council, or mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officers of whom a bond or instrument in writing may be required, under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require

them to submit to an examination under oath, as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Sec. 2. The mayor, or chairman of any committee or special committee of the common council shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee.

Who may administer oaths.

Sec. 3. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

What to be deemed perjury.

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

When officer of corporation may recover double costs.

Sec. 5. All process issued against said city, shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or recorder, at least ten days before the day of appearance mentioned therein.

Process ag't city; how served.

Sec. 6. Proof of the requisite publication of any ordinary resolution, or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the recorder of the city, or any other competent proof, shall in all courts and places be

Proof of publication; what to constitute.

conclusive evidence of the legal publication of such ordinance, resolution, or other proceeding.

Sec. 7. This act shall take immediate effect.

Approved March 15, 1869.

[No. 284.]

AN ACT to amend an act entitled "An act to incorporate the city of East Saginaw," approved February 15th, 1859, as amended by act No. 56, of the session laws of 1861, approved February 20th, 1861, and act No. 79, of the session laws of 1865, approved March 1st, 1865, and act No. 391, of the session laws of 1867, approved March 22d, 1867.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That section two, of title one, of an act entitled "An act to incorporate the city of East Saginaw," approved February 15th, 1859, as amended by act No. 56, of the session laws of 1861, approved February 20th, 1861, and act No. 79, of the session laws of 1865, approved March 1st, 1865, be amended so as to read as follows:*

Divisions.

Sec. 2. Said city shall be divided into six wards, as follows: All that part of the city lying north of the center of Miller street, shall constitute the first ward; all that part of the city lying between the center of Miller street and the center of Johnson street, shall constitute the second ward; all that portion of the city lying between the center of Johnson street and the center of William street, to its junction with Genesee street, thence along the center of Genesee street to the center line of Janes street, thence along the center line of Janes street to the east city line, shall constitute the third ward; all that portion of the city lying between the line last mentioned and the center line of Hoyt street, to where said line shall intersect the center line of Walnut street, thence along the center line of Walnut street to the east city line, shall constitute the fourth ward; all that part of the city lying south of the center line of Hoyt street

and west of the center line of Maple street, including its intersection with Martha street, and as extended on the township line to the south city line, shall constitute the fifth ward; all that portion of said city lying east of the above boundary line of the fifth ward, and south of the above boundary line of the fourth ward, shall constitute the sixth ward of said city.

Sec. 2. That sections one, four, five, seven, and eleven, of title two of said act, shall be amended so as to read as follows: Sections amended.

Sec. 1. The following officers of the city of East Saginaw shall be elected at the annual city election, by the qualified electors of the whole city, voting in their respective wards on a general ticket, viz: one mayor, one recorder, one treasurer, and one director of the poor. Officers of the city;

The following officers of the corporation shall be elected at said election, on a ward ticket, in each ward, by the qualified electors thereof, viz: two aldermen, two school inspectors, one supervisor, one collector (of taxes,) and one constable. Of each ward.

The following officers of said corporation shall be chosen by the common council, as hereinafter provided, by ballot, viz: one city clerk, one controller, one assessor, one marshal, one street commissioner, one city surveyor, one city attorney, one city physician, two cemetery commissioners, and one chief engineer of the fire department. Chosen by common council.

The following officers of said corporation shall be appointed by the common council, in such manner as is hereinafter provided, or as the said common council may, by ordinance, direct, viz: an assistant marshal, one or more keepers of the city prison, alms-house or hospital, two assistant engineers of the fire department, pound-masters, sealers of weights and measures, board of sewer commissioners, board of water commissioners, inspectors of gas and gas metres, clerks of markets and for city officers, inspectors of fire-wood, hay, and provisions, harbor masters, port wardens, fire wardens, scavengers, common criers, auctioneers, weigh-masters, and such other officers as may be necessary to carry into effect the powers herein granted. Appointed by common council.

Common
council to
prescribe
duties of.

The common council shall have power to regulate and prescribe the duties of all officers of said corporation, appointed by virtue of the powers herein granted, and to fix the fees, compensation, and emoluments to be paid such officers, except as herein otherwise provided.

Justices of
the peace;
when elect'd

Sec. 4. At the first annual election after the passage of this act, there shall be elected by the qualified electors of said city, voting in their respective wards, four justices of the peace, one of whom shall be elected for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; and the term for which each person is voted shall be distinguished on the ballots, who shall enter upon the duties of the office immediately upon being qualified according to law; and at every annual election thereafter, there shall be elected one justice of the peace, who shall hold his office for the term of four years; and every justice of the peace elected in said city shall take the oath and file his bond within ten days after his election, and enter upon the performance of the duties of his office on the tenth day after his election; and

Vacancies in
office of;
how filled.

in case of vacancy in said office of justice of the peace, the same shall be filled at the succeeding annual election, as provided by law. There shall also be elected by the qualified electors of said city, voting in their respective wards, one mayor, one treasurer, and one director of the poor, who shall hold their office for one year, or until their successors are elected and qualified. At the annual election in said city, in the year 1870,

Officers to
be elected
annually.

and every two years thereafter, there shall be elected, by the qualified electors of said city, voting in their respective wards, one recorder, who shall hold his office for two years, or until his successor shall be elected and qualified. At the annual

Recorder.

Aldermen.

election to be held in said city in the year 1869, there shall be elected, by the qualified electors thereof, two aldermen for each ward, one for the term of one year and one for the term of two years; and thereafter, there shall be elected annually, in each ward, one alderman for the term of two years. At the said annual election in the year 1869, there shall also be elected,

School
inspectors.

by the qualified electors thereof, in each ward, two school inspectors, one for the term of one year and one for the term of two years, and thereafter, there shall be elected annually, in each ward, one school inspector for the term of two years. There shall also be elected annually, in each ward, by the qual- Constables. ified electors thereof, one constable, who shall give like security, perform all the duties, be vested with like powers, and be subject, in all respects, to the laws of the State, as provided in the case of constables in the townships of this State. There shall Supervisors. also be elected, at the annual election held in said city in the year 1869, in each ward, by the qualified electors thereof, one supervisor, who shall hold his office as follows: Those elected for the even numbered wards, for one year, those for the odd numbered wards, for two years; and thereafter, upon the expiration of such terms, their successors shall be elected for two years, in each ward: *Provided*, That in case of vacancy, the Proviso. common council shall have power to fill such vacancy by appointment, such appointee to hold office until the next annual election, when such vacancy shall be filled by the electors of the ward in which such vacancy shall have occurred. Said su- Compensation of su- pervisors shall be entitled to the same compensation, and shall pervisors. be paid in the same manner, and perform all the duties of supervisors of townships, as provided by law, in their several wards, except such duties as are by this act devolved upon the assessor, or other officers of said city; and the supervisors shall, in addition to the foregoing compensation, receive three dollars per day for every day actually engaged in the duties of their office, to be paid by the city. There shall also be elected Collectors of taxes; duties of. at the annual election, in each ward of said city, by the quali- of. fied electors thereof, one collector of taxes, who shall become duly qualified, give the same bonds, and be vested in all respects, with the same powers as are by the laws of this State conferred upon the treasurers of townships, for the collection of taxes for county and State purposes; and each of said collectors Bonds of. shall also give such bonds, with sureties, as may be required by the common council, for the faithful performance of all duties

devolved upon them by this act, or by any ordinance of said city, and they shall possess the same powers, for the collection of city taxes, as is conferred upon township treasurers of this State, for the collection of taxes in townships of this State, or may hereafter be conferred by law.

Officers to
be appoint'd
annually by
common
council.

City mar-
shal, clerk,
and physio'n

Commis-
sioner for
cemetery.

City
attorney.

Assistant
marshal.

Police
constables.

Sec. 5. The common council shall, at the third regular meeting in the month of April in each year, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, appoint, by ballot, one city marshal, one clerk of said city, one city physician, one city surveyor, one street commissioner, and one chief engineer of fire department, to hold their respective offices for one year, or during the pleasure of the common council. They shall also appoint two commissioners for the city cemetery or cemeteries, one of whom shall hold his office for the term of two years, and one of them for the term of one year; and annually thereafter the said common council shall appoint one commissioner of the city cemetery, who shall hold his office for two years. They shall also appoint one city attorney to act as attorney and counselor at law for said city, who shall hold office for one year, or during the pleasure of the common council, and who shall receive an annual salary, to be fixed by the common council, and who shall not receive for any duties imposed or services rendered to said city during the term of his office, besides his salary, any fee or reward whatever which shall be paid out of or withheld from the treasury of said city. The common council may from time to time, as may be necessary, appoint an assistant marshal, one captain of the watch, and so many police constables and watchmen as they may deem expedient or necessary to preserve the peace of said city and protect the property of the citizens, and may make all necessary rules and regulations for the appointment and government of said police constables and watchmen not herein provided for; and said police constables and watchmen shall have the same power and authority to make complaints and arrests as constables now have by law, except as to the service and return of civil process and proceed-

ings in civil cases, and shall be subject to the same liabilities and penalties, except as herein otherwise provided: *Provided*, Proviso. The common council may limit or prescribe the duties and powers of such police constables and watchmen, by ordinance, and remove them, or provide for their suspension or discharge at any time. The common council shall also appoint a keeper Keeper of city prison. of the city prison or prisons, work-house, alms-house, hospital, and so many fire wardens, inspectors of gas and gas metres, Fire wardens common criers, clerks of city markets, or for city officers, inspectors of fire-wood, hay, and provisions, pound-masters, Inspectors of firewood. sealers of weights and measures, weigh-masters, auctioneers, scavengers, and such other officers or boards of officers as are herein provided for, or which may be created by the ordinances of said city made pursuant to the provisions of this charter, and such appointment shall be made in such manner as the said common council shall authorize and direct, and all such Terms of office. appointees shall hold their offices during the pleasure of said common council.

Sec. 7. All officers appointed by the common council, by When officers may be removed. virtue of the powers conferred by this act, may each be removed from office by the common council for incompetency, for official misconduct, or for the unfaithful and insufficient performance of the duties of his office, or for disobedience of the ordinances of the common council, or for performing any unlawful act: *Provided*, No officer who is required to be elected Proviso. by ballot, or who is required by this act or by the common council to give bonds, shall be removed without reasonable notice of the charges against him, and an opportunity to be heard in his defense, in person and by counsel, nor without a majority of all the members elected to the common council shall, after such notice and hearing, vote for such removal.

Sec. 11. The supervisor and aldermen of each ward shall Elections; inspectors of constitute the board of inspectors of elections, two of whom shall constitute a quorum, and such one of their number as they may appoint shall be chairman of said board; the board Clerks of. shall also appoint two competent persons to be clerks of the

election, who shall take the oath of office required by law; and each of said board of inspectors shall be authorized to administer any oaths required by law to be taken by either of said inspectors, clerks, or other persons at said elections.

Sections amended.

Sec. 3. That sections five, (5), seven, (7), and eight, (8), of title three (3) of said act, shall be so amended as to read as follows:

In all meetings each alderman entitled to one vote.

Proviso.

Sec. 5. In all proceedings and meetings of the common council, each alderman present shall have one vote: *Provided*, Whenever the votes of the aldermen present shall be equally divided, the mayor, or when presiding in the absence of the mayor, the recorder shall give the casting vote, which vote shall in all cases be entered upon the proceedings of the council as so decided.

Rules of common council.

Sec. 7. The common council shall prescribe the rules for the transaction of its business, and for its proceedings, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe in said rules penalties for the non-performance of the duties of aldermen, city clerk, or other officers of said common council.

Quorum.

Sec. 8. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present, less than a quorum, may adjourn said meeting to the next regular meeting, or to any time prior to the next regular meeting, and require the clerk to give notice thereof, as of special meetings, and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down, or noticed for such regular meetings, or for any special or adjourned meeting, and no business or proceedings postponed, or set down, or noticed for any regular, special, or adjourned meeting shall lapse, or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon at the next regular, adjourned, or special meeting. No public

Clerk to give notice of adjourned meetings.

improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services, labor, or material purchased, nor any contract awarded or let, nor any money appropriated to be paid for or out of, or by means of any special assessment or tax, or from the general fund, except by a concurring vote of seven members of the common council, including the vote of the mayor or recorder, when given in case of a tie when presiding over the sessions of the council: *Provided*,^{Improve-ment, tax, etc.; num-ber of votes necessary to order any.} No member of the council shall be excluded from voting upon any question of improvements, levying assessments or taxes, or on any other proceeding, by reason of his personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void, or invalidate any action of the common council by reason or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for and against the same, by yeas and nays, shall be entered upon the record of proceedings.^{Proviso.}
^{Votes order- ing any, to be recorded.}

Sec. 4. That sections five, six, seven, eight, nine, eleven, twelve, thirteen, twenty-seven, thirty-two, thirty-four, and thirty-five, of title four, be amended, and that four new sections be added to said title four, to stand as sections thirty-six, thirty-seven, thirty-eight, thirty-nine, and forty, so that the amended and new sections to said title four of said act shall read as follows:^{Sections amended.}

Sec. 5. There shall be appointed by the common council at their first meeting in the month of March, 1865, and at their third regular meeting in the month of April, every three years thereafter, or as soon thereafter as may be, one controller, who shall hold his office for the term of three years. It shall be the duty of the controller to keep the financial accounts of said corporation, to countersign all bonds, orders upon the treasury, licenses, burial permits, cemetery deeds, and all evidences of debt and transfer of property, which the common council or corporation are authorized to issue or make, pledging the faith^{Controller; when and how appointed, and duties of.}
^{To counter- sign bonds.}

To receive
all accounts

of said city; to receive all accounts and demands against the said corporation, examine them in detail, audit or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, with the date of their allowance, and the funds out of which payable; and when so audited, settled, filed, dated and numbered, to report the same to the common council, and when payment shall be duly authorized by the common council, to countersign and register the orders drawn therefor by the city clerk upon the city treasurer. No claim so audited or allowed shall be binding against the city until approved by vote of the common

To keep record of bonds
issued.

council. The controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account, in proper books, of all such bonds and the bonded indebtedness, for the information of the common council.

To keep account of all
funds.

And the controller shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts and expenditures, and on the Tuesday before the last Monday in the month of March, in each year, shall make out and present a full statement and balance-sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. The controller shall advertise and receive proposals for all contracts for or on behalf of the city, except as in this act otherwise provided, and report his action thereon to the common council.

To receive
proposals for
contracts,
and to sign
agreements.

He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the common council; make all purchases of material, tools, books, stationery, apparatus, and property for the city or its officers, not otherwise provided for herein, or otherwise ordered by the common council. He

To keep record of all
officers.

shall keep a record of all officers and employés of the city, and certify the pay rolls and wages of all such officers and persons to the common council; he shall be charged with the leasing, repairs, insurance, and general supervision of the property of

the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report upon the same when required by the council. It shall also be the duty of the controller to examine all tax rolls and reports of city officers, and transfer abstracts of the same to his account books, and take and exercise a general supervision of the financial concerns of the corporation; to keep complete sets of books, exhibiting the condition of said corporation in its various departments and funds, its resources and liabilities, with proper classifications thereof, of each fund or appropriation for any distinct object of expenditure, or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts, or expenses actually incurred or contracted for, the controller shall advise the council thereof at its next meeting. The controller shall also be a member of and treasurer of the board of cemetery commissioners, and keep all records and accounts of said board, except as otherwise herein provided. The controller shall open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents, and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest, and bills receivable by said city, of whatever nature. He shall charge to the several ward collectors all taxes which may be placed in their hands for collection, and all other officers of the corporation, with all funds, moneys, and property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener, not to exceed once in each month, as the interests of the city and the safety of its property may require, and he shall give said treasurer, collectors, and all other officers credits for all moneys disbursed, upon showing of proper vouchers, and for all property consumed, expended, and destroyed by

To examine tax rolls.

To keep books exhibiting condition of corporation.

To advise council when appropriations are exhausted.

To be a member of board of cemetery commissioners.

To open account with treasurer.

To charge ward collectors with taxes.

To attach warrants to tax rolls.

ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax rolls of said city, whether for State, county, city, general or special assessments, or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force, and legal effect as warrants made by the supervisors of townships, pursuant to the

Other duties.

laws of the State. The controller shall also perform such other duties as are or may be prescribed by this act, or by ordinance

Salary of.

of the common council, not inconsistent herewith, and shall receive for his services such annual salary as the common

Bond of.

council shall prescribe, and he shall give a bond, with sureties, in the sum of not less than five thousand dollars, for the faith-

To have seat in council.

ful performance of the duties hereby imposed. And the controller shall have a seat in the common council, and may speak upon all matters that come before the council, and serve upon committees thereof, but shall have no vote.

Assessor; when and how appointed; duties of.

Sec. 6. The common council shall, at their third meeting in the month of April, in the year 1869, or as soon thereafter as may be, and every three years thereafter, appoint one assessor

To assess property.

for said city, who shall annually assess all the property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and who shall, for the purpose of making such assessment, have all the powers, and perform all the duties of supervisors of townships of this State. The assessor shall also

To make returns of births and deaths.

prepare and make the returns required by law, relative to the registration of births and deaths in said city, and the list of persons to serve as jurors, and perform such other duties as this

To be members of the board of supervisors.

act imposes. The assessor, the city attorney, the controller, and the supervisors elected in the several wards, shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation on said board; and the assessor, city attorney, and the controller, as such supervisors, shall be entitled to receive the same compensation as other supervisors,

May administer oaths.

for attendance upon said board. The assessor shall have power to administer oaths and affirmations, whenever necessary to

the proper discharge of the duties of the office, and any person who shall willfully swear falsely to any return, valuation, record, property, or material fact regarding his property liable to be assessed under the laws of this State, shall be held and deemed guilty of the crime of perjury. The assessor shall receive such compensation for his services in making assessments and levying and extending taxes thereon, as the common council may determine, and shall be subject to removal for cause, the same as other officers appointed by the common council.

Sec. 7. The wards of said city shall each constitute a separate assessment district: *Provided*, The assessment rolls made and used for city purposes may, for convenience, be enclosed in one book or volume, which shall be bound and preserved in the office of the city clerk, for future reference and use of said city, as hereinafter provided. The assessment rolls of the several wards, for State and county purposes, shall not be so bound, but shall be made separately by wards, in the manner and for the purposes hereinafter provided and specified.

Sec. 8. The supervisors of the several wards of said city shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein especially provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided.

Sec. 9. The clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein

To keep list
of persons
receiving
licenses.

To act as
clerk of
board of
health.

Treasurer;
duties of, to
receive all
moneys.

Collect
claims.

Hold all
bonds.

Keep acc't of
all moneys.

To pay out
money on
order of
council.

To report
all taxes
collected.

contained; he shall attest all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book, the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license; no license for any purpose granted shall be valid until thus attested by the clerk and countersigned by the controller. He shall also act as clerk of the board of health and the board of water commissioners of said city, and when so required, of the standing committees of the common council, and perform such other duties as may be required by law of township clerks, so far as applicable under this act or the ordinances of the city.

Sec. 11. The treasurer shall receive all moneys belonging to the city, except such as are required to be kept in the hands of the controller, and shall receive all taxes of said city, levied by order or by authority of the common council, except as herein otherwise provided. The treasurer shall also collect all rents, interests, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any nature whatever not herein otherwise provided for. He shall hold all bonds, notes, mortgages, and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the common council, and shall keep an accurate account of the same, and all receipts and expenditures thereof, and with every fund and appropriation thereof, made by this act, or by the authority and direction of the common council. He shall pay no money out of the treasury, except in pursuance of or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller, or of coupons and bonds regularly and lawfully issued by said corporation. He shall keep an accurate account of and report to the controller once in each week, a detailed statement of all taxes collected and moneys received, as well as all moneys disbursed, and at the end of every quarter shall make a

full settlement with the controller and finance committee of the common council, producing the vouchers for all transactions, which vouchers shall be canceled by said controller and committee, and the result of such settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same are issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn as written upon the face thereof. Whenever any warrant is presented for payment, if there is no money in the fund upon which such warrant is drawn, the treasurer shall endorse the date of such presentation on the back of such warrant, which shall thereafter draw interest at the rate of seven per cent. per annum, for a period not exceeding six months, unless the same shall be again presented for payment, and endorsed, and the treasurer shall compute interest as above provided, and pay the same when said warrant is redeemed, and charge the amount so paid for interest to the interest fund. The treasurer shall keep an office in some convenient place in said city, and the books and accounts in his charge belonging to the city shall be open to the inspection of any tax-payer of said city at reasonable hours, in any week day, (except in case of sickness or leave of absence granted by the common council,) and where all bonds, coupons and warrants shall be presented for payment, and the treasurer shall not discriminate as to parties holding bonds, coupons or warrants, or other lawful demands, and shall pay them only when so presented at his office. The treasurer shall obey all orders and resolutions of the common council, and perform all duties devolved upon him by this act, or by resolution or ordinance of said common council, not inconsistent with the provisions of this act, and shall turn over to his successor in office all money, books, papers, and property of every kind and description, due and belonging to said corporation, upon demand. The common council shall have power to prescribe the percentage added to all tax rolls, not hereinafter provided for, and to direct to what fund it shall be credited, and may

How bonds and coupons shall be paid by.

To endorse warrants in certain cases.

To keep books open for inspect'n

Not to discriminate between holders of bonds.

To obey orders of common council.

To give bonds.

Compensat'n of. direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds, with such sureties and in such amount as they deem proper, for the faithful performance of his duties as treasurer; and said treasurer shall receive for all services he may render, such annual salary as the said common council may direct.

City attorney; duties of. Sec. 12. The city attorney shall be an attorney and counselor at law, of good standing, and qualified to practice in all the courts of the State. He shall, upon application of the common council, or of an officer of the city, furnish advice relative to all matters of law in the discharge of their duties, appear in behalf of the city in all suits, and perform such other legal duties as may be prescribed by ordinance.

Marshal; powers and duties of. Sec. 13. The marshal shall possess and exercise the powers and duties as conservator of the peace which township constables possess and may exercise, by virtue of the laws of the State; he shall attend the sittings of the recorder's court, and be vested with full power and authority to serve papers and execute all process issued by said recorder's court; he, or his assistant, shall attend the sessions of the common council, and obey all orders received from the mayor and council; he shall, by virtue of his office, be chief of the police force of the corporation, and as such, perform all the duties required by the ordinances of the common council; he shall be superintendent of the city, and be charged with its peace, and the execution and enforcement of the by-laws and ordinances thereof; he shall be chief fire warden of the city, and attend all fires, and report to the mayor, and, whenever necessary, to the common council, any drunkenness and disorderly conduct among firemen, and shall have summary power, and it shall be his duty to arrest, or cause to be arrested, all members of the fire department, or other persons who shall be drunk or disorderly at fires; he shall report, in writing, to the mayor, the origin, extent, and cause of all fires, with such information as will tend to check incendiarism and preserve property; he shall be the fence viewer of the city, and, for that purpose, is hereby vested with

To attend sittings of recorder's court, and common council.

To be chief of police.

Superintendent of city.

Chief fire warden.

May arrest disorderly firemen.

To be fence viewer.

the same powers and duties, and entitled to the same compensation as is now or may be prescribed by the laws of the State for fence viewers in townships; he shall perform such other duties as may from time to time be imposed by the laws of the State, or by the resolutions, orders and ordinances of the common council, and shall receive, in addition to his annual salary, such fees for the performance of the duties of the office, as are allowed to sheriffs or constables in like cases, except where such fees are a charge against the city treasury. The assistant marshal shall have and exercise the same powers as the marshal, except as fence viewers, and as limited by ordinances of the common council.

Salary of.

Assistant marshal.

Sec. 27. The common council shall annually, at their third meeting in the month of April in each year, or as soon thereafter as may be, appoint one street commissioner of said city, who shall superintend the construction and repairs and cleaning of all pavements, sidewalks, cross-walks, culverts, bridges, drains, and sewers, and direct the working, cleaning, and improvement of highways, streets, lanes, alleys, parks, and public places in said city, not otherwise provided for, under the direction of the common council. He shall keep an accurate record of all moneys received and disbursed, and of all persons, together with the number of horses, carts, and wagons employed by him in the several wards, and render, under oath, to the controller, each week, a true account of the time of each, and the expenses thereof, and the fund or funds out of which the same are payable. The street commissioner shall perform such other duties as may be required by resolution or ordinances of the common council, not inconsistent with the nature of his duties or the provisions of this act: *Provided*, That nothing in this act contained shall be construed to prevent the common council from paving, macadamizing, graveling, or otherwise improving or cleaning the streets, alleys, lanes, parks, or public places of said city, by contract, in case the common council shall decide to let such work to the lowest responsible bidder.

Street commissioner; duties of.

To superintend the construction of sidewalks, etc.

To keep record of all moneys received, etc

Other duties.

Proviso.

School
inspectors;
duties of.

Sec. 32. The school inspectors of said city shall perform such duties as are required by the laws of the State, and the "Act to incorporate the board of education of the city of East Saginaw, approved February 15th, 1859," and the acts amendatory thereto: *Provided*, The said inspectors shall be required to make and file with the common council, on or before the third Monday in March in each year, a detailed report of all receipts and expenditures of said board up to and including the last day of February in each year, and such statement shall be published with and form a part of the annual statement of said city.

Proviso.

Salaries of
officers to be
fixed by
common
council.

Sec. 34. The common council shall annually, at their first regular meeting in the month of May, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city, and they may also, from time to time, establish fees and compensation for all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury.

Collectors;
duties of.
To collect
all taxes.

Sec. 35. The collector of each ward shall collect all State and county taxes assessed and imposed upon the real and personal property of the ward, and such city, highway, sewer and school taxes, and all such special taxes as may be, from time to time, levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city, and the warrant of the controller of said city shall confer full power and authority upon said collector to collect, by levy and sale, all taxes set forth upon any copy or transcript of any general or special roll, and so placed in his hands, the same as warrants made by supervisors of townships, under the laws of this State. All such collectors shall give receipts for all taxes collected by them, and mark the same paid upon the proper rolls, and shall pay over all moneys in their hands belonging to the city, to the city treas-

To sell prop-
erty for taxes

To give re-
ceipts for
taxes col-
lected.

urer, on Monday of each week, and deposit with the controller a detailed statement of all collections, and a receipt from the treasurer for the same, and shall make due returns of all rolls, and the uncollected taxes thereon, as required by the warrant of the controller and the provisions of this act, and the laws of this State: *Provided*, The returns of all State and county taxes, and the uncollected taxes upon the city tax rolls shall be made direct to the county treasurer of Saginaw county, as required by law; and a copy of the returns of all such city taxes, with a receipt from the city treasurer for all moneys due on the same, shall also be filed with the controller by the collector, within ten days after the time specified in the warrant for the return of said roll. Each of said collectors shall give bonds to the city of East Saginaw, in such amount, and with such sureties as the common council may require, in a sum not exceeding twice the amount of the taxes placed in their hands for collection; and the controller or common council may require additional bonds, from time to time, as the public interest may require. For the collection of all city taxes, and special assessments, said collectors shall be entitled to receive the sum of four per cent. upon all moneys actually collected and paid into the city treasury by them, which amount shall be paid by the city treasurer to said collector, upon the certificate of the controller that the collector has fully complied with the requirements of his warrant, and the provisions of this act. The bonds required by the city from ward collectors shall be deposited with the controller; and whenever final settlement is made with such collector, the controller shall endorse the same upon said bond, which endorsement shall operate as a full discharge of said collector and his sureties, unless it shall afterwards appear that the returns filed by said collector, in whole or in part, were false, in which case such bond shall continue in force; and such collector and his sureties shall be liable therefor, for all damages occasioned by such false returns. In case any person elected as ward collector shall refuse to serve, or shall die, resign, or remove out of said

Proviso.

Bonds of.

Percentage for collecting

Bonds of, where deposited and how canceled.

Vacancy in office; how filled

city, before he shall have entered upon, or completed the duties of his office, or be disabled from any cause from completing the same, the common council shall forthwith appoint a collector for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation as if regularly elected to said

City clerk to give notice of appointment of, to county treasurer.

office of collector, and the city clerk shall immediately give notice of such appointment to the county treasurer of Saginaw county; but such appointment shall not operate to discharge or exonerate the former collector, or his sureties, from any liability incurred by him while acting as collector: *Provided,*

Proviso.

Nothing in this act contained shall be construed to prevent the giving of bonds to the county treasurer, which bond shall be approved, as required by law.

Director of the poor; duties of.

Sec. 36. The director of the poor shall perform such duties as are imposed by law upon such officers in townships, and such other duties as may be imposed by ordinance. All expenditures of money, and all accounts made by him, shall be duly certified, under oath, to the controller, as often, and in such manner as the common council may require.

Who authorized to administer oaths.

Sec. 37. The mayor, recorder, and aldermen of said city, the city clerk, clerk of the recorder's court, and controller, are authorized, generally, to administer oaths and take affidavits, but neither of such officers shall receive any fees therefor, except the clerks. The controller shall have power to take acknowledgments of deeds under the laws of this State, and to certify copies of all papers in his office, and receive the legal fees therefor.

Controller allowed to take acknowledgment of deeds.

Proceedings in case of removal or resignation of any officer

Sec. 38. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office, all the books, papers, moneys and effects of said corporation in his possession or custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public

officers generally for the like offense under the general laws of this State, now or hereafter in force or applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Sec. 39. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, duties, powers or liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient, and shall prescribe by resolution, by-laws or ordinance.

Additional rights and powers of officers.

Sec. 40. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, to his own use, or shall knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, or evidences of value, or property may have been appropriated, raised or received, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction, may be punished by fine not exceeding one thousand dollars, or imprisonment in the State prison or the jail of Saginaw county, not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Malfeasance in office.

Penalty for.

Sec. 5. That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and eighteen, of title five of said act, be amended, and three new sections be added to said title five, to stand as sections nineteen, twenty, and twenty-one, so that the same when amended shall read as follows:

Sections amended.

Sec. 1. The resources and moneys of the corporation shall be controlled by the common council, as herein provided; and the said common council is hereby vested with the power to order assessments, direct the levying of taxes thereon, and provide for the collection of the same, under the provisions and restrictions in this act contained; and all assessments, taxes and

Corporation; moneys of, how controlled.

- Funds:** revenues [of] said corporation shall be paid into and form a part of one of the following named funds, viz:
- General** 1st. General fund, which shall be appropriated to defray the expenses of the city of East Saginaw, for the payment of which, out of some other fund, no provision is herein or otherwise made.
- Highway.** 2d. Highway fund, to defray the expense of repairing paved, graded, planked and improved streets, and for the construction and repair of cross-walks, bridges, drains, culverts, the cleaning of streets, sidewalks, drains, parks and public places, and such other general highway purposes as the common council may direct.
- Fire department.** 3d. Fire department fund, which shall be appropriated to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen of the city, and all other expenses incident and necessary to, the maintenance of the fire department of said city.
- Sinking.** 4th. Sinking fund, to redeem the bonds and pay the funded debt of the city.
- Interest.** 5th. Interest fund, to pay the interest on the funded debt of the city.
- Sewer.** 6th. Sewer fund, to defray the expenses of building, repairing, and maintaining the public sewers of the city, and for paying the interest and principal of bonds issued by the corporation for sewerage purposes.
- Poor.** 7th. Poor fund, to defray the expenses of providing for and taking care of the poor of the city.
- Sidewalk.** 8th. Sidewalk fund, to defray the expenses of constructing sidewalks in said city, as provided in title six of this act.
- Street improvement** 9th. Street improvement fund, to be assessed, levied, and collected as hereinafter provided in title six of this act.
- Special.** 10th. Such other funds as are herein provided for, or as the common council may constitute for special purposes, not inconsistent with the provisions of this act, not to be taken from any of the funds above provided for, excepting the general fund.

Sec. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, for the general fund, such sum as they may deem necessary, not exceeding one and one-half per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax; and the common council may, in addition thereto, levy such sum, not exceeding three-fourths of one per cent. of the valuation of the preceding year, as they may deem necessary for highway purposes, to be paid into the highway fund; and the common council may also, in addition to the above, levy such sum, not exceeding three mills on the dollar of the valuation of the preceding year, as they may deem necessary for defraying the expenses and making improvements in the fire department, to be credited to the fire department fund, and which shall be raised, assessed, and collected on the same roll, and in the same manner as the other city taxes. If the said common council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in each ward in said city, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess, and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct; and such tax shall be levied, assessed, and collected in the same manner as is provided for the levying or collection of the other taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not an elector in said city. The mayor of said city shall preside, or in his absence, the then acting mayor shall preside at such meeting; and in the absence of both mayor and recorder, the electors present may select one of their number to preside at such meeting.

Common council authorized to raise taxes for highway purposes.

For fire department.

Manner of raising extra tax.

Proviso.

Poor fund;
what to con-
stitute

Sec. 3. The moneys assessed by the common council under the authority of this act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into and constitute the poor fund of said city. And in case of any deficiency in said fund, the common council shall have power, and it shall be their duty to appropriate from the general fund and transfer to the poor fund, such sum or sums as may be necessary for the proper care and keeping of the poor of said city.

Deficiency
in; how
supplied.

Tax; council
to decide
am't neces-
sary for the
year.

Sec. 4. It shall be the duty of the common council, on or before the first day of June in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the assessor, and it is hereby made the duty of the assessor of said city to levy the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as specified in section seven of this title.

Clerk to cer-
tify am't of,
to assessor.

Time when
assessment
shall be com-
pleted.

Sec. 5. The assessor of said city shall complete his annual assessment of all the taxable property in said city, on or before the fourth Monday in May, and upon the completion thereof, shall file a notice thereof with the city clerk, who shall report the same to the common council at their next meeting.

Board of re-
view; duties
of.

To examine
assessment
rolls.

Sec. 6. The assessor, city attorney, and supervisors of said city shall constitute a board of review, five of whom shall constitute a quorum. They shall elect one of their number chairman, and the assessor shall act as secretary of the board. They shall have power, and it shall be their duty to examine said assessment and correct any errors found therein, and on cause shown, to reduce, equalize, or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by the clerk of said council at least ten days prior to the time of meeting, by publishing a notice thereof

To meet at
certain time,
and make
corrections
in roll.

in some newspaper published in said city, and also by posting the same in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do, may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed; and the said board shall decide the same, and their decision shall be final. The concurrence of a majority of a quorum of said board shall be sufficient to decide any question of altering or correcting any assessment complained of; and the members of the board shall have the power to administer oaths and examine witnesses, as provided for supervisors of townships, by the general laws of this State. The said board shall keep a record of their proceedings, and all changes made by them in said rolls, and their record shall be signed by a majority of said board, and deposited with the city clerk.

Majority of, a quorum to decide any question.

To keep record of proceedings.

Sec. 7. The said assessor shall deliver the assessment roll to said board of review at their first meeting, and after the same shall be confirmed by resolution of the said board, to be entered [on] their records, the said assessor shall again take such roll into his possession, and cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named on lots described upon, and according to the aggregate valuation such person or lots shall have been assessed in said assessment roll, or book prepared as hereinafter provided for that purpose, to be known as the annual tax roll of said city, in separate columns, showing the amount of highway, school, sewer, and other city taxes assessed according to this act, to each person or lots in each year, and when said [tax] roll has been completed, and footed and balanced, which shall be on or before the first Monday in July, the said assessor shall deliver said assessment roll to the controller, who shall make entry of the same, and of the totals of all taxes assessed thereon, on the books of his office, and the said controller shall within one week thereafter, deposit

Assessment roll, manner of completing

Duties of assessor, controller, and treasurer.

said roll with the city treasurer, with an order for its collection, as hereinafter provided, and the treasurer shall give a receipt therefor, and be charged therewith, and shall thereupon and thereafter receive the taxes assessed thereon as hereinafter directed. And for all taxes and assessments on said roll not collected by said treasurer, such proceedings shall be had for their collection and return as is in this act provided.

Treasurer to
give notice of
time and
place for
paying taxes.

Sec. 8. Upon the receipt of the tax rolls by the treasurer, as hereinbefore provided, the taxes therein stated shall become due and payable, and the treasurer shall forthwith, upon receiving said tax roll, give public notice by publication in one or more papers in said city, and by posting the same in at least six public places in each ward of said city, which notice shall be a sufficient demand for the payment of all taxes upon said rolls. Such notice shall set forth that the said rolls have been deposited with him for collection, and that payment of the taxes therein specified may be made to him at any time before the last Saturday in December thereafter; that no addition will be made to taxes paid before the first day of August next thereafter, but that an addition of one per cent. of every unpaid tax will be made thereto, on that day, and like addition of one per cent. every thirtieth day thereafter, until such addition shall amount to six per cent. And said treasurer shall thereupon receive all taxes paid to him according to the terms of said notice, except as to such taxes as are assessed upon property other than real estate hereinafter mentioned and specified, and provided for, adding thereto, on the first day of August, one per cent. of every such tax or assessment then unpaid, and an additional one per cent. thereto every thirtieth day thereafter, until the last Saturday in December. Upon the receipt of any tax, the treasurer shall mark the same paid upon the proper tax roll, adding after the word "paid," the day and the month when so paid, and shall in all cases give a receipt for the tax or taxes received, to the party paying the same. On the Monday succeeding the last Saturday in December, the treasurer shall return the said tax roll to the controller, who

To receive
all taxes.

To give re-
ceipt for
taxes paid.

Controller;
to receive
roll from
treasurer.

shall give him a receipt for the same, and credit him with the amount of taxes on said roll, unpaid; and the controller shall thereupon make out, in duplicate, a copy of all assessments, and of the unpaid taxes thereon, in each ward, which shall be a substantial transcript of such portion of the original tax rolls as relate to the unpaid taxes, adding six per cent. to the amount of each tax or assessment so unpaid, and exhibiting the original tax, and in the last column, the tax as augmented by the per cent. hereinbefore provided; one copy of said duplicate transcript shall be for record in the controller's office and the other for the use of the proper ward collector to collect the same; and the controller shall attach a warrant thereto and deliver the same to the proper ward collector, who shall receipt for and be charged with the same, and said warrant shall command said collector to collect the amounts due upon said rolls or transcripts of the annual tax roll, in the same manner as State and county taxes are collected, and to make return of the same to the county treasurer of Saginaw county, as required by the general laws of this State, now or hereafter in force for the collection and return of taxes by township treasurers; and said collector shall make a duplicate return of all uncollected city taxes to the controller, as hereinbefore provided; but the common council may, by resolution, direct the controller, at any time after the first day of August in each year, to make out transcripts or copies of any taxes remaining due and unpaid on said assessment roll, for each ward, and which are assessed wholly or partly against any property or value other than real estate, together with such percentage as shall be fixed by the common council, as compensation for the collection of such taxes or assessments, and to be stated in such rolls; and warrants shall be issued and annexed to each tax or assessment, signed by the controller, and under the corporate seal of the corporation, directed to the proper ward collector, and made returnable upon such day as shall be designated by the common council, commanding him to collect from the persons named in the said transcript rolls

To make duplicate copy.

To attach warrant to.

Collector to make returns of uncollected taxes.

Power of common council to order taxes collected by distress and sale.

the assessments and taxes therein specified and set forth as due from such persons, and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant, or lessee refusing or neglecting to pay the same, wherever the same may be found within the limits of said city, and to pay over and account for the taxes or assessments thus collected, as herein provided. The controller shall credit the treasurer with the amounts of the taxes or assessments upon which warrants may be issued by order of the common council, and charge the same to the collector to whom the same is delivered, and take a receipt therefor. Warrants for the collection of taxes, in the hands of the collectors, may be renewed and extended by the common council from time to time, but the time of the payment of any general tax shall not be extended beyond the time for the return of the State and county taxes, as fixed by law.

Controller to credit treasurer with taxes on which warrants are issued.

Warrants; how may be extended.

Collectors; powers of. To sell property for taxes.

Sec. 9. By virtue of the warrants by this act authorized to be issued by the controller, the several collectors to whom they may be respectively directed, shall have power to levy upon the personal property of persons from whom taxes may be due, wherever the same may be found within the limits of said city, and shall sell the same, in the same manner and with the same duties and powers of proceedings as now or hereafter may be provided by the laws of this State, for the collection of State and county taxes by township treasurers or collectors.

Moneys belonging to school fund to be paid over each week.

Sec. 10. The city treasurer shall pay over to the board of education, all moneys belonging to the school fund, at least once in each week, taking duplicate receipts therefor, one of which shall be filed with the controller; he shall keep a separate account of all moneys received for percentage in excess of the tax stated upon the several tax rolls, which amount shall be exhibited in his weekly statement to the controller, and which shall be credited to the interest fund.

Taxes to be a lien on real estate.

Sec. 11. The taxes assessed for city purposes upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a tax against the person owning the

same on the first Monday of July, and shall be a lien on said real estate from the fifteenth day of November, of the year in which such tax was assessed.

Sec. 12. When the annual assessment roll shall have been examined, corrected, equalized, and confirmed by the board of review, as provided in section six of this title, it shall be the duty of the assessor to make copies of said rolls, by wards, as finally confirmed, and certify to the same, and retain the same until after the equalization thereof by the board of supervisors of Saginaw county; and said rolls are hereby determined and made the assessment rolls of the several wards of said city, for State and county purposes, upon which the assessor shall ratably assess the State and county taxes certified to him from the board of supervisors of Saginaw county, adding thereto, four per cent. for collector's fees, at the same time, and in the same manner as township supervisors are, or may be by law, required to do; and when said rolls shall be completed, footed and balanced, the assessor shall deliver the same to the controller of said city, who shall annex thereto a warrant, authorizing and commanding the collection of the taxes thereon assessed, and the returns to be made to the county treasurer, in all respects, as the same is or may be by law required in warrants of township treasurers, for the collection of taxes in the townships of this State.

Ward assessment rolls; contents of;

Sec. 13. For public improvements and building school-houses and other public buildings in said city, the common [council] may, if thereto authorized by a vote of the electors of said city, as provided in section two, title five of this act, borrow on the faith of the city, a sum not exceeding one hundred and twenty-five thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding ten per cent. per annum, payable annually, and for that purpose may issue bonds of the city, signed by the mayor and clerk, and countersigned by the controller, in such forms and sums, not exceeding in the aggregate the said sum of one hundred and twenty-five thousand dollars, as the said common council shall direct; and such bonds shall be

Money; when council may borrow.

Rate of interest.

Bonds; amount of limited.

Poor fund;
what to con-
stitute

Sec. 3. The moneys assessed by the common council under the authority of this act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into and constitute the poor fund of said city. And in case of any deficiency in said fund, the common council shall have power, and it shall be their duty to appropriate from the general fund and transfer to the poor fund, such sum or sums as may be necessary for the proper care and keeping of the poor of said city.

Deficiency
in; how
supplied.

Tax; council
to decide
am't neces-
sary for the
year.

Sec. 4. It shall be the duty of the common council, on or before the first day of June in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the assessor, and it is hereby made the duty of the assessor of said city to levy the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as specified in section seven of this title.

Clerk to cer-
tify am't of,
to assessor.

Time when
assessment
shall be com-
pleted.

Sec. 5. The assessor of said city shall complete his annual assessment of all the taxable property in said city, on or before the fourth Monday in May, and upon the completion thereof, shall file a notice thereof with the city clerk, who shall report the same to the common council at their next meeting.

Board of re-
view; duties
of.

To examine
assessment
rolls.

Sec. 6. The assessor, city attorney, and supervisors of said city shall constitute a board of review, five of whom shall constitute a quorum. They shall elect one of their number chairman, and the assessor shall act as secretary of the board. They shall have power, and it shall be their duty to examine said assessment and correct any errors found therein, and on cause shown, to reduce, equalize, or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by the clerk of said council at least ten days prior to the time of meeting, by publishing a notice thereof

To meet at
certain time,
and make
corrections
in roll.

in some newspaper published in said city, and also by posting the same in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do, may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed; and the said board shall decide the same, and their decision shall be final. The concurrence of a majority of a quorum of said board shall be sufficient to decide any question of altering or correcting any assessment complained of; and the members of the board shall have the power to administer oaths and examine witnesses, as provided for supervisors of townships, by the general laws of this State. The said board shall keep a record of their proceedings, and all changes made by them in said rolls, and their record shall be signed by a majority of said board, and deposited with the city clerk.

Majority of, a quorum to decide any question.

To keep record of proceedings.

Sec. 7. The said assessor shall deliver the assessment roll to said board of review at their first meeting, and after the same shall be confirmed by resolution of the said board, to be entered [on] their records, the said assessor shall again take such roll into his possession, and cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named on lots described upon, and according to the aggregate valuation such person or lots shall have been assessed in said assessment roll, or book prepared as hereinafter provided for that purpose, to be known as the annual tax roll of said city, in separate columns, showing the amount of highway, school, sewer, and other city taxes assessed according to this act, to each person or lots in each year, and when said [tax] roll has been completed, and footed and balanced, which shall be on or before the first Monday in July, the said assessor shall deliver said assessment roll to the controller, who shall make entry of the same, and of the totals of all taxes assessed thereon, on the books of his office, and the said controller shall within one week thereafter, deposit

Assessment roll, manner of completing

Duties of assessor, controller, and treasurer.

Objections of owner to be heard and settled by.

thereby, or shall take any exception thereto, shall appear at the next regular meeting of the common council, and object, and the common council shall hear and determine upon such objection; but if such owner or occupant shall fail so to appear, or if the common council shall, after hearing the objections, refuse to change such designation, the same shall be final.

Common council to make out order; contents of.

Sec. 38. The common council shall thereupon and thereafter, make an order reciting the public improvement to be made, the estimated amount of the expense to be assessed as aforesaid, including the cost and expenses of making estimates, plans, assessments, and other expenses incidental thereto, not including interest, which estimate shall be made by the city surveyor, and filed in the office of the controller, and the descriptions of property on which the same is to be assessed.

Assessor to make assessment on receipt of ord'r certified by city clerk.

Sec. 39. The city clerk shall, within one week after the making of such order, certify a copy of the same, under seal, to the assessor of said city, who shall proceed, without unnecessary delay, to make an assessment, according to such order, and make out an assessment roll, reciting in the heading thereof the improvement ordered, and in the body of which shall be entered the names of the persons assessed, a description of the property, and the amount or amounts, in dollars and cents, assessed thereon: *Provided*, In all cases where the property designated shall be vacant and unoccupied, and the ownership thereof unknown to the assessor, he shall insert in lieu of the name of said owner, the word "non-resident."

Proviso.

Certificate of assessor.

Sec. 40. The assessor shall certify upon such roll that he has made said assessment upon the persons and property described, in accordance with the order of the common council relating thereto, and that the said roll contains a just and true assessment of the cost of such improvement, (stating the sum thereof,) and that the several amounts assessed against each person and description of property has been set down, as nearly as may be, and to the best of his judgment, according to the benefit and advantage which such person or description

of property is by him deemed to acquire from the making of said improvement.

Sec. 41. As soon as said roll is completed and certified to, the assessor shall file the same with the city clerk, who shall letter it as "special assessment roll (using the letters of the alphabet in their order) for the year 18—," and also endorse the date when so filed thereon, and report the same to the common council at its next meeting.

Assessment roll, to be filed with city clerk.

Sec. 42. Upon such notice of the completion of such assessment, and filing of any special assessment roll, the common council shall cause notice to be given to all parties interested therein, reciting the names on said roll by publication in a newspaper published in said city, for at least two weeks, that the common council will, at such time as they may appoint, hear objections to, and appeals from said assessment.

Time for hearing objections.

Sec. 43. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein, as they may think proper.

Common council may correct list when deem'd incorrect.

Sec. 44. Every assessment so ratified and confirmed shall be final and conclusive, and the same shall become a legal charge against the persons named therein; and within five days after the same shall be confirmed, the controller shall deliver the same to the city treasurer and give public notice thereof by advertisement in the official paper of the city for at least one week, and the said treasurer shall give a receipt for said roll, and be charged therewith, and shall retain the same in his office for the space of sixty days, during which time any person may pay the amount of taxes against such person or his property respectively, to said treasurer, who shall receive said taxes and give a receipt therefor, and mark the same paid upon the roll; and

Controller to deliver roll to treasurer and publish notice thereof.

Time and place for paying taxes

Proceedings when taxes are not paid to treasurer in prescribed time.

Distress and sale of property.

Taxes to remain a lien on real estate.

How tax may be paid after return is made by collector.

within five days after the expiration of the time for the payment of said assessment to the treasurer as aforesaid, the controller shall take such assessment roll into his hands, and shall add four per cent., as fees for collecting the same, and shall annex or attach a warrant to said special assessment roll, directed to any ward collector of the city, which warrant shall be signed by the controller, and have the city seal stamped thereon, which warrant shall command said collector to collect the taxes unpaid upon said roll within the time prescribed in said warrant; and such collector shall thereupon be authorized and required to levy and collect the same by distress and sale of any personal property of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the collector shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, pay to the city treasurer all sums collected on such tax roll, and make report to the controller of the sums so paid, and of all assessments thereon remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes, which return shall in all cases be made under oath, and shall be filed and preserved in the office of the controller. Upon the filing of such return by the collector, thereupon such unpaid taxes shall become a lien upon the real estate described on said roll; and the taxes assessed thereon shall draw interest at the rate of twenty per cent. per annum as hereinafter provided; but any person owning any premises so chargeable with such special assessment or tax, may discharge such premises from such tax at any time after such return by the collector, and before it is put into the general city roll as hereinafter provided, by paying to the city treasurer the amount of tax so assessed against him or his property, together with the interest at the rate of twenty per cent. per annum from the time of the return by the collector of such roll to the date of such payment. On or before the first

day of June succeeding, the controller shall certify to the ^{Unpaid taxes; how collected.} assessor the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the rate of twenty per cent. on all sums so uncollected and unpaid, from the date of the return of such assessment and tax roll by the collector, to the first day of August in the year in which the same shall be placed by the assessor, as herein provided, on such premises in the tax roll next thereafter to be made, and such tax shall then be levied, collected, and returned, and the said premises may be sold for non-payment thereof, as provided by law for the non-payment of other taxes.

Sec. 50. The term public improvement, as used in this act, ^{Public improvement; how term to be understood.} shall be held and construed to include, not only those set out and recited in the first section of this title, but the stumping, ditching, and grading of all public streets, highways, lanes and alleys; the construction of plank roads, the laying of pavements of wood or stone, including the cross-walk, flagging, curbing, excavating, and grading for the same; the planking, graveling, or macadamizing, with broken or pounded stone, of the streets or road-ways of said city; the draining and filling of all low lands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within said city. All proceedings of the common council, under the ^{Proceedings of council to be recorded.} provisions of this title, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer of the city, and shall be construed favorably by all courts of the State, for any beneficial purpose therein and thereby intended; and ^{In case of suit, complainant to furnish bonds.} in any cases of litigation, suit, or injunction that may arise between the corporation and any person, out of proceedings under this title, the court shall require the complainant to furnish sufficient bonds and sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process or injunction against the said corporation.

Common council may require owner to construct sidewalks.

To make street improvements

Sec. 51. Whenever the common council shall deem it expedient to construct any sidewalk of plank, or other material, on any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street to construct such sidewalk on such street, in front of his or her lot or house, or they may direct such sidewalks to be made according to the provisions of this title. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain, and re-construct sidewalks, pavements, and street improvements adjoining their respective premises, to the middle of the street or alley, the expense to be defrayed by assessment, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may thus be subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Public sewers or drains; amount of assessments to be paid by persons benefited by.

Sec. 54. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: The sum of ten dollars for making connection with any such drain or sewer, and the further sum of two dollars and fifty cents annually for each cellar drained, directly or indirectly, by a drain, into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of two dollars annually for each lot or subdivision of lot being without a cellar, drained as aforesaid, into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid; which sums shall, with the names of such individuals and the description of such lands or premises, liable to pay the same, be reported annually, on or before the last Saturday in May in

Taxes for use of; how collected.

each year, by the board of sewer commissioners to the assessor, who shall assess the same upon such persons and lands, and place the same in the annual tax roll, in the sewer column, and the same shall be enforced and collected in the same manner as general taxes of said city, and shall go into the sewer fund, and shall be expended exclusively for the repairs and construction of sewers.

Sec. 55. When any assessment for public improvements, or any local improvements, or expenses upon any ward, highway district, street, lane, alley, public sewer, or other improvement shall have been made, as in this act provided, and shall be confirmed by the common council, it shall become a charge against the person assessed, and the same proceedings shall be had for collecting the same as is provided in section forty-four of this title; and when said rolls shall be returned to the controller, the said assessments unpaid shall thereupon become a lien upon the real estate described upon said roll, subject to the same rate of interest and terms of payment as other special assessment rolls hereinbefore provided, and they shall be, by the controller, in a like manner, returned or certified to the assessor, who shall assess the same upon the annual assessment and tax roll, upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax or assessment as is provided by law for the collection, and return and sale of premises for non-payment of the ordinary city taxes.

Assessments
for public or
local im-
provements;
how collect'd

Sec. 56. When any collector shall have levied on personal property for the non-payment of any tax or assessment, in this act provided, he shall proceed to advertise and sell the same, in the same manner, and upon like notice, and make return of all money received therefrom, as is or may be required by the general laws of this State, in the levy and sale of personal property for non-payment of taxes by township treasurers.

Distress and
sale.

Common
council to
permit own-
er to make
improvements

Provided,

Proceedings
in case of
invalid as-
sessment.

Rules gov-
erning re-
assessment.

Sections
amended.

Cost of
cleaning
sewers, to
be paid by
assessment.

Sec. 57. The common council shall permit any person who shall be the owner or agent of any tract, plat, or addition, within the limits of said city, to improve, grade, plank, or pave any street lying within said tract, plat or addition, the cost of which, if improved by the order of the council, would be assessed against such person or agent, upon request: *Provided*, All such work shall be done under the superintendence of the street commissioner and city surveyor, and shall, in all respects, conform to the established plan and grades for streets in said city.

Sec. 58. Whenever any special assessment for the improvement of a street, or for any other public work shall, in the opinion of the common council, be deemed invalid, said council may vacate and set the same aside. And when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made. Such new assessment shall be made in the manner provided for making original assessments of like nature; and whenever any tax or any part thereof assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the assessor and controller to apply assessment upon the re-assessment on said lot or parcel, and to make a minute thereof upon the new assessment roll, and such re-assessment shall be deemed paid and satisfied. All the provisions of this charter making special assessments a charge against the persons assessed, or a lien upon the lots and parcels embraced therein, and also those relating to the collection and return of special assessments, shall in like manner apply to such re-assessments.

Sec. 7. That sections four, thirteen, seventeen, twenty-one, and twenty-two, of title twelve of said act, shall be so amended as to read as follows:

Sec. 4. The current cost of altering, repairing, and cleaning sewers and drains, and all incidental expenses of management, shall be estimated by the sewer board, who shall report the

same to the common council on or before the last Saturday in May, in each year, the amount so estimated and required for the next ensuing year, and when the same is approved by the common council, shall be assessed by the assessor upon the real and personal property in the city of East Saginaw, and included in the next annual tax and tax roll of said city, placed in the sewer tax column, and when collected, placed to the credit of the sewer fund.

Sec. 13. The expense attending the construction of sewers shall be borne as follows, that is to say: the amount of so much of the expense of constructing any main drain or sewer as shall, in the opinion of the sewer commissioners, exceed the cost of a proper lateral drain or sewer for the street in which such main drain or sewer shall be laid, shall be certified to the assessor by the board of sewer commissioners, and shall be assessed upon the owners of lands and personal property included within the corporate limits of the city of East Saginaw, in proportion to the assessed valuation of the property in said city. The balance of such expenses for the construction of any main drain or sewer, and the expenses of constructing any lateral drain or sewer, shall be assessed by the said assessing commissioners upon the lots deemed to be benefited thereby, through or near which such drain or sewer shall be laid, in proportion to the benefit derived by them respectively.

Expense of constructing sewers; how to be borne.

Sec. 17. When any assessment for the construction of sewers shall have been confirmed by the common council, the said assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping for the purposes herein specified. The said assessor shall divide the same into nine equal parts, one of which shall be placed upon and form part of the annual taxes of said city in each year thereafter, until the same is all assessed upon said annual tax rolls, and paid. And in addition to the one-ninth of the said assessments and one-ninth of all bonds and other sewer construction expenses, otherwise unprovided for, the said assessor shall add to and include in the

Manner of dividing.

How collected

Sewer taxes
to be a lien
on premises
assessed.

annual tax roll, in the sewer column thereof, the interest falling due upon all the sewer bonds in each year, and all other assessments and amounts certified to him by the common council, the board of sewer commissioners, and also the estimated amounts for annual repairs, as hereinbefore provided for, and all such sewer taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain, until paid; and the payment thereof shall be enforced and collected in the same manner as the general taxes of said city; and for non-payment thereof, the premises may be sold in the same manner as for non-payment of other taxes levied in said city; and when so collected shall be placed to the credit of the sewer fund, and shall be applied to the payment of the interest on said sewer bonds, and of the principal of said bonds, as they shall fall due, and for repairs of sewers, and for no other purposes.

When council may order the opening of any drain.

Sec. 21. Whenever, in the judgment of the sewer commissioners, it is necessary for the health or benefit of said city, or any part thereof, for any lands or premises lying near or adjacent to any sewer or drain to be drained into such sewer or drain, they shall so determine by a resolution entered on their records, and give notice thereof to the owners, occupant or agent, if known, and if unknown, by publishing such notice in a newspaper in said city one week; whereupon said lands, premises or cellars shall, by the owners, be so drained by connection with such sewer, under the direction of the sewer commissioners, within thirty days, and if not done, the sewer commissioners may, with the approval of the common council, make such drain and connection, and certify the cost thereof to the assessor, from which time such cost shall be a lien on the lands or premises so drained, and the assessor shall assess the same, and put it into the next tax roll of said city in the sewer column, and it shall be enforced and collected as provided in the general taxes of said city.

Sec. 22. The board of sewer commissioners shall certify to the controller, monthly, the amount of moneys received by said board for permits, and all other matters necessary to the proper auditing of bills incurred by them, and the correct keeping of the accounts of the city.

Board of sewer commissioners to report amount of money received, etc.

Sec. 8. That title eleven of said act be amended by adding thereto the following new sections, to stand as sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight, to read as follows:

Sections added.

Sec. 21. The style of all ordinances of said city shall be as follows: "Be it ordained by the common council of the city of East Saginaw, as follows."

Style of ordinances.

Sec. 22. The inhabitants of said city shall at all times have the right to petition the common council.

Right of petition.

Sec. 23. The common council shall not grant any special franchise for a longer term than thirty years, nor grant exclusive privileges to the use of the streets or public grounds of said city. And the common council shall have power to prescribe rates of specific taxation for all franchises or privileges granted by said council, and the manner of collection of such specific taxes.

Special franchises and privileges; rules governing.

Sec. 24. The common council shall have power, whenever it shall appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a two-thirds vote of all the members elected, to cause such assessment or tax to be remitted or refunded; but no such action on the part of the council shall in any way affect or invalidate any other tax or assessment assessed, levied, or collected in said city.

Proceedings in case of illegal assessments.

Sec. 25. The fiscal year of said city shall commence on the first day of March in each year, and all annual reports required by this act to be made, shall include all transactions of said city up to and including the last day of February preceding.

Fiscal year. Annual reports; contents of.

Sec. 26. The common council of said city shall, during the year 1869, and as often thereafter as they may deem expedient, cause all the acts and parts of acts of incorporation of said city that may be in force, including such general laws as they

Compilation of city laws and ordinances; council to publish.

may deem necessary for the use of the mayor, aldermen, or other officers thereof as may be necessary to the proper understanding of their duties, together with all ordinances of said city, revised and corrected so as to conform to the provisions of said acts, and properly arranged and indexed, to be published in book form, and properly certified to by the clerk thereof, and when so compiled and published, the same shall be considered the official copy of all said acts and ordinances as contemplated in the second paragraph of section fourteen, of title three of this act. Each officer of said city shall be entitled to the use of a copy by virtue of his office, and the council may authorize the sale of copies thereof to reimburse the city for the expense of compiling and publishing the same.

Each officer
to be entitled
to copy of.

Powers of
present com-
mon council.

Sec. 27. The common council, as now constituted, shall continue to exercise all the powers and duties of the common council of said city, as herein authorized, until the next annual election, and the organization of the new council then elected; and the present council shall be authorized, and it shall be its duty to designate places of election in the wards hereby constituted, and appoint inspectors of said election whenever there shall be vacancies in the board, and take all other necessary steps for carrying into effect the provisions of this amendatory act.

Board of reg-
istration;
when to
meet, and
duties of.

Sec. 28. The board of registration of said city, as now constituted, shall meet at the common council room in said city on the third Tuesday in March, at ten o'clock A. M., and shall organize as provided in the "act further to preserve the purity of elections and guard against the abuses of the elective franchise by a registration of electors, approved February 14, 1859," and shall, as therein provided, procure new books for registration in all the wards of said city, and take all the steps necessary for a new registration, by wards, as herein described and set off, of all the electors of said city; for this purpose said board shall proceed to apportion their members among the several wards, and in such wards as there shall be vacancies in the office of alderman, said board shall designate some justice of

To provide
for new reg-
istration.

the peace, or some competent citizen, to perform the duties of register, and such appointment shall be deemed legal and valid, and vest such person appointed with all the rights, privileges, powers, duties, and penalties of a member of said board, as provided and prescribed in said act. For the purpose of such new registration, the said board shall cause public notice to be given, that the several ward registers will meet at some place to be designated in said notice, on the last Thursday, Friday and Saturday in March, 1869, (being the 25th, 26th, and 27th days of said month of March, 1869,) and continue in session from nine o'clock in the forenoon until twelve o'clock, noon, and from two o'clock until eight o'clock in the afternoon of each of said days; and during such sessions, such registers shall register, or cause to be registered, all qualified electors in the several wards as provided in said act for the first registration in cities, and no others; and the proceedings of said boards of registration shall conform in all respects to the provisions of said act, and the registration so made shall be held and deemed a legal registration, within the meaning and terms of said act for the several wards of said city of East Saginaw, and thereafter all registrations in said city and wards shall be conducted as in said act provided and directed. No person, whose name does not appear in said registers at the annual election next ensuing, shall be entitled or allowed to vote, except in such cases and in the manner excepted and provided by said act. Any alderman, justice of the peace, or other person appointed to act under this section, who shall neglect or refuse to perform the duties required in this section, or by said act, shall be deemed guilty of, and may be punished as for a misdemeanor, and such registration shall not be vitiated or fail by reason of such refusal or neglect, but any other member of said board may perform said duties, and their acts shall be deemed regular and lawful for all the purposes of such registration.

To give notice of meetings of registers.

When electors shall register.

Who entitled to vote.

Proceedings when register refuses to act.

Sec. 9. That title three of said act be further amended by adding three new sections thereto, to stand as sections twenty-

Sections added.

four, twenty-five, twenty-six, and twenty-seven, to read as follows:

Common council; compensation of members of.

Sec. 24. The members of the common council shall be allowed, as compensation for their services, one dollar for actual attendance at each regular session of the council, to be certified by the clerk to the controller, quarterly, and paid out of the general fund.

Vacancies in office of alderman; how filled.

Sec. 25. Any alderman who shall be absent from the sessions of the common council, without leave, for six consecutive weeks, shall be deemed to have resigned, and the office shall be deemed vacant, and the common council shall order a new election to fill such vacancy, as in this act provided in cases of vacancies.

Deposit of moneys, bonds, etc

Sec. 26. The common council shall have power to direct the deposit of all moneys, bonds, papers, and evidences of value, in any bank, vault or safe, and to receive interest on all balances and moneys so deposited, which interest received shall be credited to and form a part of the interest fund.

When officers may be expelled.

Sec. 27. The common council shall have power to expel or remove from office any of its own members, or any other officer holding office by election, except the mayor and recorder, for corrupt or willful malfeasance or misfeasance in office, or for the willful neglect of the duties of his office, by a vote of two-

Cause of expulsion to be entered on records.

thirds of all the aldermen elect; and in such case, the reasons for such expulsion or removal, shall be entered upon the records of the common council, with the names and votes of the mem-

Officer to be furnished with copy of charges against him.

bers voting on the question. But no officer holding office by election, shall be removed or expelled by said common council, unless first furnished with a copy of the charges against him in writing, and be allowed to be heard in his defense, with aid of counsel; and for the purposes hereof, the common council shall have power to issue subpoenas, to compel the attendance of witnesses, to examine witnesses upon oath, to be administered by the presiding officer, and the production of papers when necessary, and shall proceed within ten days after service of a copy of the charges, to hear and determine upon the case.

If any such officer shall neglect to appear and answer to said charges, his default shall be deemed good cause for his removal from office.

Sec. 10. This act shall take immediate effect.

Approved March 16, 1869.

[No. 285.]

AN ACT to amend sections three, four, six, ten, thirteen, sixteen, twenty-one, fifty-two, fifty-three, fifty-four, ninety-five, ninety-nine, one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and twenty-six, one hundred and twenty-nine, and one hundred and thirty, of an act entitled "An act to revise the charter of the city of Adrian," approved March 21st, 1865.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} sections three, (3,) four, (4,) six, (6,) ten, (10,) thirteen, (13,) sixteen, (16,) twenty-one, (21,) fifty-two, (52,) fifty-three, (53,) fifty-four, (54,) ninety-five, (95,) ninety-nine, (99,) one hundred and ten, (110,) one hundred and eleven, (111,) one hundred and twelve, (112,) one hundred and thirteen, (113,) one hundred and fourteen, (114,) one hundred and fifteen, (115,) one hundred and twenty-six, (126,) one hundred and twenty-nine, (129,) and one hundred and thirty, (130,) of an act entitled "An act to revise the charter of the city of Adrian," approved March 21, 1865, be and the same are hereby amended so that said sections shall be and read respectively as follows:

Sec. 3. The said city shall be divided into four wards, as follows:

All that part of said city embraced in the following described ^{First ward.} limits shall be the first ward, to wit: Commencing at the southeast corner of said city, and running thence northerly on the east line of the city to the center line of Maumee street; thence westerly on the center line of Maumee street to the center line

of Main street; thence southerly on the center line of Main street to the center line of Church street; thence easterly on the center line of Church street to the center of the northerly continuation of State street; thence southerly on the center line of the northerly continuation of State street to the north end of the center line of State street; and thence southerly on the center line of State street, and on a line corresponding with the center line of State street, to the south line of the city; and thence easterly on the south line of the city to the south-east corner of the city.

Second
ward.

All that part of said city embraced within the following described limits shall be the second ward, to wit: Commencing on the north-east corner of the city, running thence southerly on the east line of the city to the center line of Maumee street; thence westerly on the center line of Maumee street to the center line of Main street; thence northerly on the center line of Main street to the north line of the city; thence easterly on the north line of the city to the place of beginning.

Third ward.

All that part of the city lying north and west of the following described line shall be and constitute the third ward, to wit: Beginning on the north line of the city at the north-west corner of the second ward, as the same is above described, and running thence on the center line of Main street, southerly to the center line of Maumee street; and thence westerly in the center of Maumee street to the middle of the south branch of the River Raisin; thence southerly and up stream, in the middle of the channel of said river to a point east of the east end of the center line of the street called College avenue; thence westerly on the center line of College avenue, and on a line corresponding with the center line of College avenue to the west line of the city.

Fourth
ward.

All that part of said city lying west and south of the following described line shall constitute the fourth ward of the city, viz: Beginning on the south line of the city at the south-west corner of the said first ward, as above described; and running thence northerly on the west line of said first ward to the cen-

ter of Church street; and thence westerly on the center line of Church street to the center line of Main street; thence northerly on the center line of Main street to the center line of Maumee street; thence westerly on the center line of Maumee street to the middle of said south branch of said river Raisin; thence southerly and up stream in the middle of the channel of said river, to a point east of the east end of the center line of College avenue; thence westerly on the center line of College avenue, and on a line corresponding with the said center line of College avenue, to the west line of said city.

Sec. 4. The following officers of the corporation shall be Officers elected on a general ticket by the qualified electors of the whole city, viz: a mayor, city recorder, city treasurer, city collector, and four justices of the peace. The following officers of the corporation shall be elected on a ward ticket, in each ward, by the qualified electors thereof, viz: a supervisor, two aldermen, and one constable.

Sec. 6. The common council shall appoint a street commis- Common council may appoint street commissioner and city marshal. sioner and city marshal, on the first Monday of May in each year; and may also, from time to time, provide by ordinance, for the appointment of, and may appoint annually on the first Monday of May, two or more street commissioners, and such other officers whose election is not herein specially provided for, as the common council shall deem necessary to carry into effect the powers granted by this act, and may remove the same, and all officers appointed by them at pleasure: *Provided*, That Provided. any appointment which shall not be made on the day named, may be made at any subsequent regular meeting of the common council.

Sec. 10. The mayor, recorder, treasurer, collector, supervi- What officers to be elected at annual elections. sors, and constables shall be elected at the annual city election, and shall hold their offices for the term of one year, and until their successors are elected and qualified. One justice of the peace shall be elected at the annual city election in the year eighteen hundred and sixty-five, and there shall be elected annually thereafter, at each annual city election, one justice of

the peace. The term of office of each justice of the peace (excepting in cases where such justice shall be elected to fill a vacancy) shall commence on the fourth day of July following his election, and shall continue four years, and until his successor shall be elected and qualified. One alderman shall be elected in each ward at the annual city election in the year eighteen hundred and sixty-five, and shall hold his office for the term of two years, and until his successor shall be elected and qualified; and there shall be elected annually thereafter, in each ward, one alderman for the like term.

Salaries.

Sec. 13. The mayor and aldermen of said city shall each receive a salary not exceeding fifty dollars a year, and no more. All other officers of said corporation shall receive such compensation for their services as the common council shall prescribe except where the same is fixed by this act, or is, or shall be prescribed by other statutes of this State: *Provided*, That the city marshal shall not receive more than nine hundred dollars, and the city collector not more than three hundred dollars for services in any one year.

Proviso.

When council may remove any officer.

Sec. 16. The common council shall have power to remove from office the recorder, marshal, treasurer, collector, and any street commissioner, for any violation of the provisions of this act, or any ordinance or by-law of said city, or for refusing to perform the lawful requirements of said common council; but the removal of any officer shall not, nor shall the appointment of any other person in his place, exonerate the officer removed, or his sureties, from any liability incurred by him or them.

Electors to vote in the wards where they reside.

Sec. 21. At all elections in said city, every elector shall vote in the ward where he shall have resided ten days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

City collector; duties of.

Sec. 52. The city collector shall collect all taxes and moneys levied and assessed within said city for city purposes, and for defraying the expenses of [said city, within such time and in such manner as the common council shall by ordinance direct,

except as herein otherwise provided. And all moneys so collected or received by him for the purposes aforesaid, shall be paid over to the city treasurer immediately after the collection thereof.

Sec. 53. The city collector shall be the collector of all taxes assessed or levied for State, county, and school purposes in said city; and it shall be his duty to perform and discharge the same duties, in relation to the collection and return of taxes which may be assessed or levied in the several wards of said city for State, county, and school purposes, that are now or may be required to be performed by township treasurers in this State; and he shall enter into a bond to the county treasurer of Lenawee county for the purposes and in the manner now required of such township treasurers, to be approved by said county treasurer; and shall also enter into a bond, with sufficient sureties, to the treasurer of said city, who is hereby authorized to take and approve the same, conditioned that he will pay over to said city treasurer all moneys for school purposes, library and school-house purposes collected in said city, which may come into his hands by virtue of his office.

To be collector of all taxes.

To give bond to county and city.

Sec. 54. The city collector may, with the approval of the common council, appoint a deputy, and revoke such appointment at pleasure, which appointment and revocation shall be in writing, under his hand, and shall be filed in the office of the city recorder; and such deputy may perform all the duties of the collector. The collector and his sureties shall be responsible for the acts of the deputy; and in case of the death, resignation, or removal of the collector by any other means, the deputy shall perform the duties pertaining to the office of city collector until such vacancy shall be supplied.

May appoint deputy.

To be responsible for acts of deputy.

Sec. 95. All fines, penalties, and forfeitures recovered or collected for a violation of any ordinance, by-law, or regulation made or passed by the common council of said city, and all fines, penalties, and forfeitures recovered, collected, or received by any officer of said city for a violation of any law of this State shall be paid to the treasurer of said city, by the officer

All fines, etc., to be paid to city treasurer.

Penalty for refusing to pay over fines.

receiving the same, immediately after the receipt thereof; and any officer or person who shall neglect or refuse to pay the same, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both fine and imprisonment, in the discretion of the court: *Provided*, That in case the officer receiving such moneys shall be a justice of the peace, he shall pay over the same at the times mentioned and provided in section sixty-six of this act; and all fines and penalties for the violation of the penal laws of this State, when paid into the treasury as aforesaid, shall be disposed of as now provided by law.

Proviso.

Common council may pass laws relative to—
Cemetery.

Violation of ordinances.

Arresting offenders.

To require a record of all interments to be kept.

Supervisors to complete ward tax rolls and deliver to collector.

Sec. 99. The common council is authorized to enact all such ordinances and by-laws as it may deem necessary for the protection and preservation of the monuments, tombstones, bridges, trees, shrubbery, property, ornaments, and improvements in Oakwood cemetery, and the grounds thereof, and the fences around the same, and may provide such penalties as it may deem proper for any violation of such ordinances and by-laws; and may by such ordinances authorize any officer, agent, or other employé of said Oakwood cemetery association to arrest on the spot, without process, any person found violating any such ordinance or by-law, and to take any such person before any justice of the peace of said city, to be dealt with summarily for such offense; and may provide for the keeping, and may require the sexton, or such other officer or employé of said cemetery association as the council shall designate, to keep for the use of said council a record of all interments in said cemetery, showing the disease and cause of death of all persons interred therein, and such other information as to the council shall seem desirable.

Sec. 110. The supervisor of each ward shall complete the tax roll of such ward, and deliver the same to the city collector for collection, with the respective taxes for State, county, school,

city, and highway purposes levied and specified therein, as is required by this act and the laws of this State, within the time required by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State, and shall annex to such roll his warrant to the city collector for the collection thereof, stating therein the sum to be raised for city and highway purposes, and the several amounts to be paid into the city and county treasuries respectively, and commanding the city collector to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, together with a percentage of six per centum upon the amount of every tax remaining unpaid on the first day of January then next, for the charges for the collection of the same, and to pay over and account for all moneys so collected and specified in said roll, as directed in said warrant, on or before the first day of February then next; and the said warrant shall authorize the said collector, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of every such person.

To attach warrants to rolls, and order collect'n of taxes.

Distress and sale.

Sec. 111. Upon receiving the several ward tax rolls for the year from the supervisors of the several wards, the city collector shall immediately give notice to the tax-payers of said city, that such rolls have been delivered to him, and that the taxes therein specified can be paid to him at his office at any time before the first day of January thereafter, without any charges or percentage for the collection thereof, but that six per centum will be added to all unpaid taxes on the said first day of January then next, which notice shall be given by publishing the same twice in each of the daily newspapers in said city, and by posting the same in three public places in each ward of said city; and proof, by affidavit, of the publishing and posting of such notices shall be filed in the office of the city recorder; and it shall be the duty of the city collector to be at his office at such times previous to the said first day of

Notice of time and place for paying taxes

Interest added for delinquent taxes.

January, as the common council shall direct, and there receive payment for such taxes as may be offered to him.

Proceedings
when taxes
remain un-
paid.

Sec. 112. On the first day of January next after the receipt of said several tax rolls by said city collector, he shall add to each unpaid tax a percentage of six per centum of the amount thereof, as stated in the tax rolls, and the amount of the tax, with said addition, shall henceforth be the unpaid tax; and thereupon said collector shall proceed to collect said taxes remaining unpaid, and shall call once upon each person whose taxes remain unpaid, if a resident of the city, and demand payment of the taxes, including said percentage charged to him on said roll; and in case of his neglect to pay the same, the collector shall levy and collect the same by distress and sale of the goods and chattels of every such person, wherever found within said city, and may take any property that can be taken by township treasurers in the collection of taxes, and he shall give the same notice, and sell and dispose of any surplus in the same manner as township treasurers are required to do. All sums added to unpaid taxes as percentage as aforesaid, shall, when collected, be paid into the city treasury, to be disposed of as the common council shall direct; and all fees collected by the collector on sales of personal property for the payment of any tax, shall also be paid into the city treasury as aforesaid.

Collector
authorized
to collect
taxes by
distress and
sale.

Disposition
of percentage
added for
unpaid taxes

Collector to
make returns
to county
treasurer.

To perform
duties, and
have power
of township
treasurers.

Sec. 113. Said city collector shall make returns to the county treasurer of the county of Lenawee, of all taxes remaining unpaid upon said several tax rolls, within the same time and in the same manner as township treasurers are required by law to make similar returns. For the purpose of assessing and levying taxes in said city, for State, county, and school purposes, each ward shall be considered the same as a township; and all provisions of law relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed by the supervisors of said city, in the several ward tax rolls of said city, except as herein otherwise provided. For the purpose of collecting taxes and for the return of property for the non-payment of taxes, the city collector shall

perform the same duties and have the same powers as a township treasurer, except as herein otherwise provided; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for the non-payment of all taxes levied in said city, except as herein otherwise provided.

Sec. 114. The city collector shall, within the time specified in the warrants annexed to said several tax rolls, pay into the city treasury, out of the moneys collected by him on said rolls, the amounts specified in said several warrants, to be paid into the city treasury for city, highway, library, and school purposes, as in such warrants specified; and shall, within one week after the time specified in said warrants for paying the money directed to be paid to the county treasurer, pay to said county treasurer the sums required in said warrants, either in delinquent taxes, or in funds then receivable by law. And all the provisions of law respecting delinquent taxes in townships, shall apply to all taxes levied in said city which shall be returned as delinquent to the county treasurer; and the said city, in respect to the taxes therein which shall be returned as delinquent to the county treasurer, shall be considered and treated by the county treasurer, the same as a township, except as herein otherwise provided.

When shall pay in money received.

Delinquent taxes; how provisions of law shall apply to.

Sec. 115. When any special assessment for public improvements, or for any local improvements upon any ward, district, street, lane, alley, public sewer, or other improvement, shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the collector for collection, the same shall be a lien upon the premises upon which the same was assessed; and the collector collecting such tax, shall levy and collect the same of any personal property found on the premises so assessed, or in possession of the person chargeable with such tax; and in case sufficient personal property shall not be found to levy and collect the same, the collector shall make returns to the city recorder of the sums so remain-

Taxes to be lien on property.

Return of unpaid taxes and proceedings for collection of.

ing uncollected by him, with a description of the lots or parcels of land upon which such tax was assessed, and which remains unpaid, as aforesaid; and thereupon the common council shall cause the same to be re-assessed upon said premises in the tax roll of the proper ward, next thereafter to be made by the supervisor thereof, and the same shall thereupon be collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return, and sale of premises for non-payment of the ordinary city taxes.

Common council may establish fire department and provide necessary apparatus

Sec. 126. The common council may also establish and maintain a fire department in said city, for the protection of said city and the inhabitants thereof against loss and damage by fire, and shall provide such department with fire engines and other implements, instruments, engines, machines, and facilities necessary to be used in extinguishing fires, and may provide suitable engine houses and buildings for such department, and may appoint such officers, engineers, firemen, and other employés to serve in such department as shall be deemed expedient, and may enact and make all such ordinances, by-laws and regulations as may be necessary for the establishing, maintaining, governing, and regulating such fire department.

May appoint fire warden.

Sec. 129. The common council may also appoint a fire warden for each ward of the city, and may also appoint a city watch of one or more persons, whenever the common council shall deem it necessary for the safety of the persons and property in said city. The duties and compensation of such wardens and watchmen shall be prescribed by the common council.

Firemen exempt from jury service.

Sec. 130. All officers, firemen, employés, and members of the fire department, shall be exempt from serving on juries, and may obtain from the city recorder a certificate to that effect, which shall be evidence thereof.

Sec. 2. This act shall take immediate effect.

Approved March 16, 1869.

[No. 286.]

AN ACT to organize the township of Gladwin.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township organized.} the unorganized county of Gladwin, and townships seventeen, eighteen, nineteen, and twenty north, ranges three and four west, in the unorganized county of Clare, be and the same are hereby organized into a separate township, to be called and known as the township of Gladwin.

Sec. 2. The first township meeting in said township shall be ^{First township meeting.} held at the house of Sandy McDonald, on section thirty, township nineteen north, range one west, in said township, on the first Monday of April next; and William Grant, Marvil Secord, ^{Inspectors of election.} and Charles P. Mills are hereby authorized to act as the first inspectors of said election to elect township officers; and in case of vacancy in said number of inspectors, from absence or other cause, the electors present shall choose an inspector or inspectors to fill such vacancy by a *viva voce* vote.

Sec. 3. If said township election shall not be held at the time ^{Proceedings when township meeting is not held at the time appointed.} herein appointed, it shall be lawful to hold the same at such other time or place in said township, as may be designated by said board of inspectors, on giving at least ten days' notice thereof in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 4. The said township is attached to the county of Midland, for municipal and judicial purposes.

Sec. 5. This act shall take immediate effect.

Approved March 16, 1869.

[No. 287.]

AN ACT to change the name of the township of Reed, Oceana county, to that of Ferry.

Name
changed.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Reed, in Oceana county, be and the same is hereby changed to that of Ferry.*

Sec. 2. This act shall take immediate effect.

• Approved March 16, 1869.

[No. 288.]

AN ACT to authorize and provide for re-platting the village of Napoleon, in the county of Jackson, and adding to the plat certain parts of section thirty-six, town three south, range one east, and a part of section thirty-one, town three south, range two east; also, a part of section six, town four south, range two east.

Re-platting
of village
authorized.

SECTION 1. *The People of the State of Michigan enact, That the township board of the township of Napoleon, in the county of Jackson, be and is hereby authorized and empowered to re-plat the village of Napoleon, in the county aforesaid, and add to said plat such parts of section thirty-six, town three south, range one east, and of section thirty-one, town three south, range two east, and of section six, town four south, range two east, as the said township board may consider necessary for the public convenience.*

New plat;
contents of.

Sec. 2. In making such new plat of said village and extension thereof, the names and location of all streets and alleys therein shall be and remain the same as in the original plat of said village. The lots shall be numbered in succession, commencing at number one, which number shall be the number of the lot in the north-east corner of said village plat.

Township
board to
make certi-
fied copy of,
and file in
register's
office.

Sec. 3. The said township board shall make a certified copy of such plat, and after the same has been duly certified and acknowledged by the respective proprietors thereof as hereinbefore provided, shall cause the same to be filed and recorded

Sec. 4. For purposes of assessment and taxation, it shall be sufficient to designate the lots by the number thereof; and in all conveyances of real estate in said village, after such plat shall be filed and recorded as aforesaid, it shall be a sufficient description of any real estate in said village, and extension of said village, to designate the same by the number of the lot, in accordance with such new plat.

Sec. 5. The cost and expense of such plat and survey, shall Cost of plat;
how paid.
be a charge against the real estate included in said plat and
survey, and shall be assessed upon such real estate in such
proportion as the township board of said town shall deem just
and equitable.

Sec. 6. The certificate of said township board, to the supervisor of said township, describing the real estate by the number of the lots included in said plat and survey, and placing opposite to each description its proportionate part of the expense of said plat and survey, as determined by the said township board, shall be a sufficient warrant and authority for the said supervisor to assess in the next annual assessment roll of his township, the charges so determined against the real estate aforesaid: *Provided*, That such expense or charges shall not have been previously arranged to the satisfaction of the parties interested.

Sec. 7. This act shall take immediate effect.

Approved March 16, 1869.

[No. 289.]

AN ACT to legalize the tax roll of the village of Memphis, in the counties of Macomb and St. Clair, for the year eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Tax roll} ^{legalized} the sidewalk tax roll of the village of Memphis, in the counties of Macomb and St. Clair, for the year eighteen hundred

and sixty-seven, be and the same is hereby declared to be as valid and legal as if the election of officers for the said village had taken place on the first Tuesday of March, in the year eighteen hundred and sixty-seven, instead of the first Tuesday of April in the same year.

Tax; how
collected.

Sec. 2. The tax so voted and assessed as aforesaid, is declared a lien upon the taxable property of said village, and shall be collected the same as other taxes, by the village marshal, to the same extent and with the same powers as though the officers of said village had been elected at the time prescribed by law.

Sec. 3. This act shall take immediate effect.

Approved March 16, 1869.

[No. 290.]

AN ACT to legalize the first charter election held in the village of Hubbardston, for the year one thousand eight hundred and sixty-seven.

Election
declared
valid.

SECTION 1. *The People of the State of Michigan enact, That the first charter election held in the village of Hubbardston, Ionia county, on the eighteenth day of March, one thousand eight hundred and sixty-seven, be and the same is hereby declared to be as valid as it would have been, provided it had been held on the first Monday in March, one thousand eight hundred and sixty-eight, instead of the eighteenth day of March, one thousand eight hundred and sixty-seven, as aforesaid.*

Sec. 2. This act shall take immediate effect.

Approved March 16, 1869.

[No. 291.]

AN ACT to amend section two, of act number two hundred and ninety-seven, of the session laws of eighteen hundred and sixty-five, entitled "An act to appropriate the highway taxes upon certain lands of non-residents, in the townships of Orange, Sebawa, and Danby, in the county of Ionia, for the purpose of improving the Grand River Turnpike, in said townships," and to add a new section thereto, to stand as section nine.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section two, of act number two hundred and ninety-seven, of the session laws of eighteen hundred and sixty-five, be amended so as to read as follows:

Sec. 2. That Patrick Curry and Daniel L. Ritenburgh, of Commissioners appoint'd
Ionia county, be and the same are hereby appointed commissioners to receive such sums of money as may from time to time be collected under the provisions of this act, and to direct and determine the manner in which the labor or money shall be applied for the improvement of said road.

Sec. 2. The following section shall be added, to stand as Section added.
section nine of said act, to read as follows:

Sec. 9. The said Patrick Curry and Daniel L. Ritenburgh Authorized to collect moneys.
shall be and are hereby authorized and empowered to collect all moneys now in the hands of John C. Smith and H. A. Culver, received by them as commissioners under the provisions of this act, and to expend the same in the manner as hereinbefore provided by this act.

Sec. 3. This act shall take immediate effect.

Approved March 17, 1869.

[No. 292.]

AN ACT to authorize the board of supervisors of the county of Kalamazoo, to raise by tax, upon the real and personal property within the county of Kalamazoo, not exceeding the sum of two thousand dollars, for the purpose of providing a homestead for the widow and children of Col. Benjamin F. Orcutt, deceased.

Board of
supervisors
authoris'd to
raise certain
money by
tax.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors of the county of Kalamazoo be and they are hereby authorized to raise by tax, upon the real and personal property within the several townships of the county of Kalamazoo, a sum of money not exceeding two thousand dollars, which, when collected and paid into the county treasury, shall be paid out under the direction of said board of supervisors, in the purchase of a homestead for the widow and children of Benjamin F. Orcutt, late sheriff of the county of Kalamazoo, deceased; or they may, and are hereby authorized to pay said money so raised, directly to the said widow of said Benjamin F. Orcutt.

Approved March 17, 1869.

[No. 293.]

AN ACT to attach Manitou county to the thirteenth judicial circuit, and to attach Osceola county to the fourteenth judicial circuit.

Manitou
attached to
thirteenth
circuit.
Osceola
attached to
fourteenth
circuit.

SECTION 1. *The People of the State of Michigan enact, That the* county of Manitou shall be and the same is hereby attached to the thirteenth judicial circuit, and the county of Osceola shall be and the same is hereby attached to the fourteenth judicial circuit.

Sec. 2. This act shall take immediate effect.

Approved March 17, 1869.

[No. 294.]

AN ACT to legalize the action of the electors of the township of Romulus, in the county of Wayne, in their having voted to refund moneys paid or advanced by them, for the payment of bounties to volunteers who enlisted to fill the quota of said township, under the last call of the President.

SECTION 1. *The People of the State of Michigan enact, That* Electors; action of, legalized. the action of the electors of the township of Romulus, in the county of Wayne, in their having voted, at their annual township election, held on the second day of April, A. D. eighteen hundred and sixty-six, to refund certain moneys paid or advanced by them to pay bounties to volunteers who enlisted to fill the quota of said township, under the last call of the President, shall be deemed, and the same is hereby declared to be legal and valid.

Sec. 2. That the sum of thirteen hundred dollars, advanced by them for the benefit and use of the said township of Romulus, and paid out by them for bounties to volunteers to fill the quota of said township to aid in suppressing the rebellion, shall constitute a debt against the said township of Romulus. Money borrowed by, to constitute debt against township.

Sec. 3. It shall be the duty of the supervisor of the township of Romulus, to raise by tax on the taxable property of the township of Romulus, in the county of Wayne, in the year eighteen hundred and sixty-nine, the sum of thirteen hundred dollars, said amount to be levied, assessed, and collected as other township taxes, and the said amount shall be paid to the persons entitled thereto, upon the order of the township board of said township, in like manner as other township expenses are paid. Supervisor to raise tax.

Approved March 17, 1869.

[No. 295.]

AN ACT to prevent obstructions being so placed in the channel of the north fork of Bad river, or any of its branches in the counties of Gratiot and Saginaw, as to prevent the free passage of fish up or down said streams.

Obstructing
channel of
river for-
bidden.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or persons to so stretch any wire, drive any stakes, or place any other obstructions in the channel of the north fork of Bad river, in the counties of Gratiot and Saginaw, or in any of the branches of said streams as to prevent the free passage of fish up or down the channel of said stream and its branches.

How offend-
ers shall be
punished.

Sec. 2. Any person or persons who shall willfully so stretch any wire, drive any stakes, or so place any obstructions in any of the streams mentioned in section one of this act as to prevent the free passage of fish up or down said streams, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by a court of competent jurisdiction, shall be punished by a fine not exceeding twenty-five dollars, or imprisonment in the county jail not more than twenty days, or both, at the discretion of the court.

Sec. 3. This act shall take immediate effect.

Approved March 17, 1869.

[No. 296.]

AN ACT to revive and continue in force an act entitled "An act to charter the village of New Baltimore," approved March 23, 1867, and to amend sections one and two of said act.

Act contin-
ued in force.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to charter the village of New Baltimore," approved March 23, 1867, is hereby revived and continued in force, the same as if the village had been organized pursuant to the provisions of said act.

Section
amended.

Sec. 2. Section one of said act is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That all* Boundaries
that tract of country, including the docks, wharves, storehouses,
and waters within the following boundaries: commencing at
the east end of the east and west quarter line of section twelve,
in township three north, of range fourteen east, in the county
of Macomb; thence west on said quarter line, and in the line
of the so-called Lake school district, to the north-east corner
of the eighty acre piece or lot of land recently owned by Dennis
Furton, situate in said section twelve; thence southerly to the
south-east corner of the said Furton lot of land; thence west
on the south line of said Furton lot of land to the so-called
ridge road; thence southerly by said ridge road to the so-called
salt river road; thence south-westerly by said salt river road to
the north corner of private claim three hundred forty-three;
thence south-westerly and south-easterly on the line of said pri-
vate claim, to where it intersects the section line between frac-
tional sections thirteen and fourteen, in aforesaid township;
thence south on line between said sections thirteen and fourteen,
and between sections twenty-three and twenty-four, to the so-
called Anchor Bay, part of Lake St. Clair; thence south-east to the
deepest water or channel of said Anchor Bay; thence north-
easterly, thence northerly, thence westerly, by the deepest water
of said Bay, to the north border of said Anchor Bay, where a
line extending south-easterly through the center of private
claim six hundred twenty-seven intersects said border; thence
north-westerly, passing through the center of said private claim
six hundred twenty-seven, to the line of the aforesaid township;
thence by said township line to the place of commencement, be
and the same is hereby constituted a village corporate, to be
known by the name of "the village of New Baltimore."

Sec. 3. Section 2 of said act is hereby amended so as to read Section
amended.
as follows:

Sec. 2. The first election of said village under this act shall First election
be held at Abel Davis' house in said village, on the second
Monday in April, eighteen hundred and sixty-nine, commenc-
ing at nine o'clock in the forenoon, at which time and place

Judges and
clerk of
election;
oath of.

there shall be chosen by the qualified electors there present, from among their number, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof; and the said board shall conduct the said election as provided in section fifteen of this act; at which election the following officers of the corporation shall be elected by the

Officers and
terms of
office.

qualified electors of said village, namely: One president, one recorder, one treasurer, one assessor, and six trustees. Three of said trustees shall then be elected for one year; three of said trustees shall then be elected for two years; and annually thereafter, on the first Monday of March, there shall be elected by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified: *Provided*, That if an election of such officers shall not be made on said first Monday of March in any year, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act.

Proviso.

Sec. 4. This act shall take immediate effect.

Approved March 17, 1869.

[No. 297.]

AN ACT to detach certain territory from the township of Hume, in the county of Huron, and attach the same to the township of Port Austin.

Township of
Hume; land
detached
from.

SECTION 1. *The People of the State of Michigan enact*, That fractional township nineteen north, of range twelve east, is hereby detached from the township of Hume, in the county of Huron, and attached to the township of Port Austin.

Sec. 2. This act shall take immediate effect.

Approved March 17, 1869.

[No. 298.]

AN ACT to authorize the trustees of the village of St. Johns to levy a tax of five thousand dollars, for a court house for Clinton county.

SECTION 1. *The People of the State of Michigan enact, That* the board of trustees of the village of St. Johns, in the county of Clinton, be and they are hereby authorized and empowered to levy a tax of five thousand dollars on the taxable property of said village, in accordance with a vote of the electors of said village, at an election held therein, on the third day of October, one thousand eight hundred and sixty-eight. All moneys collected by virtue of this act shall be paid over to the treasurer of the county of Clinton, and shall be expended under the direction of the board of supervisors of said county, for the erection of a court house therein, and for no other purpose.

Board of trustees authorized to levy tax.

All moneys to be paid to treasurer of Clinton county.

Sec. 2. This act shall take immediate effect.

Approved March 17, 1869.

[No. 299.]

AN ACT to organize the township of Oscoda, in Iosco county.

SECTION 1. *The People of the State of Michigan enact, That* all that part of Iosco county, designated and described as surveyed township twenty-four north, of range one east, and township twenty-four north, of range two east, and township twenty-four north, of range three east, and township twenty-four north, of range four east, and township twenty-four north, of range five east, and township twenty-four north, of range six east, and township twenty-four north, of range seven east, and township twenty-four north, of range eight east, and fractional township twenty-four north, of range nine east, and the north half of fractional section three, and lot number four in said section, and lots numbered three, four, five, and six, in section four, in township twenty-three north, of range number nine

Description of township

east, be and the same hereby is set off from the township of Sable, and organized into a separate township, to be called and known as Oscoda.

First town-
ship meet-
ing; where
held.
Inspectors
of.

Sec. 2. The first township meeting of said township shall be held at the house of William Marks, on the first Monday of April next; and William B. Stewart, William Daggett, and Edward A. Brakenridge are hereby authorized to act as the first inspectors of the said election to elect township officers; and in case of any vacancy in said number of inspectors, from absence or other cause, the electors present shall choose an inspector to fill such vacancy or vacancies, by a *viva voce* vote.

Proceedings
when not
held at
appointed
time.

Sec. 3. If said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, on giving at least ten days' notice thereof in four of the most public places in said township, which notice the said board of inspectors are hereby authorized to give.

Sec. 4. This act shall take immediate effect.

Approved March 17, 1869.

[No. 300.]

AN ACT to organize the township of Colfax, in the county of Oceana.

Township
organized.

SECTION 1. *The People of the State of Michigan enact, That* town sixteen north, range fifteen west, in the county of Oceana, Michigan, be and the same is hereby organized by the name of Colfax.

First
township
meeting.

Sec. 2. That the first township meeting in said township of Colfax be held on the first Monday of April next, at the house of Samuel Ruckliffe, in said township; and Gilbert E. Burton, Moses Bolton, and Anson Freeman are hereby made and constituted a board of inspectors for said township election.

Proceedings
when not
held at
appointed
time.

Sec. 3. If the township election shall not be held in said township at the time for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at

least ten days' notice of the time and place of holding the same by posting notices thereof in four of the most public places in said township, which said notices the said inspectors are authorized and required to post.

Sec. 4. This act shall take immediate effect.

Approved March 17, 1869.

[No. 301.]

AN ACT to organize the county of Osceola.

SECTION 1. *The People of the State of Michigan enact, That* ^{County} *the county of Osceola be and the same is hereby organized,* ^{organized.} *and the inhabitants thereof shall be entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled.*

Sec. 2. The county seat of said county shall be and is hereby ^{Seat of;} *located at the village of Hersey, upon such grounds as shall* ^{where} *located.* *be donated to the county for that purpose, such donation to include at least one acre of land; and James Kenedy, Lynus F. Stevens, and Alanson D. Wood, of said county, are hereby appointed commissioners to select such location.*

Sec. 3. At the annual township meeting in the year one ^{Officers of;} *thousand eight hundred and sixty-nine, the electors of said* ^{when} *county shall elect the proper county officers for said county,* ^{elected.} *whose terms of office shall expire on the first day of January,* ^{Terms of} *one thousand eight hundred and seventy-one, and when their* ^{office.} *successors shall be duly elected and qualified; said officers so* ^{Oath.} *elected shall, on or before the first day of July next ensuing, after such election, take and subscribe the oath of office prescribed to be taken by the constitution and laws of this State, and shall have and possess all the powers, and discharge the duties conferred upon or required of county officers in this State, and shall enter upon the discharge of such duties on the first day of July aforesaid.*

Board of
canvassers;
who to
constitute.

Sec. 4. The supervisors who may be elected at said annual township meeting, in their several townships in said Osceola county, shall be a board of canvassers for said county, for the first election of county officers of said county; and for the purpose of such canvass, shall meet at the village of Hersey, on the second Tuesday next ensuing after said election, to which board the proper township officers shall make returns of such votes, on or before the day of meeting of said board, as provided in this section; and said board is hereby authorized, and it is hereby made their duty to approve the proper bonds of the county officers, except such bonds as are required to be approved by the circuit judge, and such bonds may be approved by the judge of the fourteenth judicial circuit.

To approve
proper bonds
for county
officers.

Body
corporate
and politic.

Sec. 5. Said county is hereby created and declared a body corporate and politic, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

Register of
deeds to
make certain
records.

Sec. 6. The register of deeds of said county shall make transcripts of all records in other counties necessary to be and appear upon the records of the said county of Osceola.

County
attached to
Mecosta
county for
judicial,
municipal,
and other
purposes.

Sec. 7. The said county of Osceola, until fully organized and officered, according to the provisions of this act, shall remain attached to the county of Mecosta, for judicial, municipal and other purposes; and nothing in this act shall in any way interfere with the authority of the officers of said Mecosta county, within said Osceola county, until the election and qualification of the county officers of said Osceola county, as provided in this act.

Sec. 8. This act shall take immediate effect.

Approved March 17, 1869.

[No. 302.]

AN ACT to incorporate the village of Petersburg.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all that tract of country situated within the township of Summerfield, in the county of Monroe, and State of Michigan, described as follows, to wit: the south-east fractional quarter of section number four, the north forty-five acres of the west half of the south-west quarter of section number three, the south half of the west half of the north-west quarter of section three, and all of the south-east fraction of the north-east quarter of section four, south of the old mill race, all in township seven south, of range number six east, be and the same is hereby constituted a village corporate, by the name and title of the village of Petersburg.

Sec. 2. The male inhabitants of said village, having the qual- ^{First}ifications of electors under the constitution of the State, shall ^{election.} meet at the basement of the Methodist Episcopal church, in said village, on the fourth Monday in March, eighteen hundred and sixty-nine, and on the second Monday of March annually thereafter, at such place as may be appointed by the common council of said village, and then and there proceed, by a plurality of ^{Officers.} votes, to elect by ballot, from among the qualified electors residing in said village, a president, recorder, treasurer, marshal, six trustees, and two assessors. The polls of such elec- ^{Polls.}tions shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer. At the first ^{Judges and clerk of election.} election to be holden in said village under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as said judge or clerk of said election, who shall form the board of election, and shall conduct the same and certify the result in the same manner that the common council are required to do

Contents of
poll list.

Rules of
canvassing
ballots.

Common
council to
give notice
to persons
elected.

by this act; and subsequent elections shall be held in said village and superintended by the president, recorder, and trustees, or a majority of the common council. The name of each elector voting at such election shall be written in the poll list, to be kept at such election, by one of the common council; after the close of the polls at such election, the common council shall proceed without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other member of the common council shall draw out and destroy, unopened, so many ballots as shall amount to the excess; and if two or more ballots shall be found rolled up or folded together, they shall not be estimated; and thereupon the common council shall proceed, immediately and publicly to canvass and estimate the votes given at such election, and complete the said canvass and estimate the same day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof, in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes shall be declared duly elected. If it shall so happen that two or more persons shall have an equal number of votes for the same office, the recorder, in the presence of the common council, shall there determine the election between the persons who have received an equal number of votes, by casting lots upon their names.

Terms of
office.

Proviso.

Sec. 3. The president, recorder, treasurer, marshal, and trustees shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed dissolved.

Township
clerk; duties
of.

Sec. 4. It shall be the duty of the township clerk of Summerfield, for the first election under this act, and the recorder, for all subsequent elections, to give ten days' public notice, in

writing, posting said notices in three public places in said village, of the time and place of holding all elections, or by publishing the same at least one week previous to such election, in a newspaper published in said village; and any person offering to vote at any such election, shall, if challenged by any person who is qualified to vote thereat, take the oath required by law in like cases at other elections in this State.

To give
notice of
election.

Sec. 5. It shall be the duty of the township clerk, after the first, and of the recorder, after all other elections, as soon as is practicable, and within five days after the closing of the polls of any election, to notify the several officers elect of their election; and the officers so elected and notified, as aforesaid, shall, within ten days after receiving such notice, take an oath or affirmation, before any notary public or justice of the peace for said county of Monroe, to support the constitution of the United States and of this State, and faithfully discharge the duties of their respective offices, a certificate of which, from the officer administering the same, shall be filed by the officer elected, within the said ten days, with the said clerk or recorder, as the case may be.

To notify
persons
of their
election.

Officers
elected to
take oath.

Sec. 6. The president, trustees, and recorder of said village shall be a body corporate and politic, with perpetual succession, to be known and designated by the name and title of the common council of the village of Petersburg; and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and defending and being defended in all courts of record, or any other court or place wheresoever, and may have a common seal, and may alter and change the same at their pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real or personal estate for the use of said corporation; but when any action or suit shall be commenced against said corporation, processes against said corporation shall be served by leaving a copy of such process, attested by the

Body cor-
porate and
politic.

Proviso.

proper officer, with the recorder of said corporation, or at his usual place of abode therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, The process shall be by summons, and a copy thereof left with the recorder, as aforesaid, at least six days before the return day thereof.

Common council; powers and duties of.

When shall hold meetings.

President to preside at meetings of.

May impose fines for non-attendance of members of.

Proviso.

Vacancies in; how filled.

May fill certain offices by appointment.

Sec. 7. A majority of all said officers constituting the common council, as aforesaid, shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time;) and the said common council shall hold their meetings at such times and place as the president, or, in his absence, the recorder may appoint; and it shall be the duty of the president to preside at all meetings of the village council, and it shall also be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings; but in the absence of such president or recorder, the electors present shall supply their place, *pro tempore*, from other members of said council present; and the common council shall have power to impose, levy, and collect such fines as they may deem proper, for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, or any officer elected under this act other than the members of said common council, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offense.

Sec. 8. In case of death, resignation, or removal of two or more of the members of the common council, such death, resignation, or removal shall be announced by the president or recorder to the members of said council, who shall convene as soon thereafter as may be, and order publication of notice of an election to fill such vacancy or vacancies, and fix the time and place of holding such election, and the same notice shall be given of such election, and the same shall be conducted in the same manner as provided for annual elections; and in case of the like vacancy in the office of marshal, treasurer, assessor, or any office appointive by said council, the vacancy so occa-

sioned shall be filled by appointment, for the remainder of the term, by said council; and all officers elected or appointed, shall be notified, and shall qualify and perform the duties of their respective offices, as hereinbefore prescribed; and the common council shall have power to remove, at pleasure, the incumbent of any office [which] is filled by appointment only.

May remove appointed officers at pleasure.

Sec. 9. The marshal and treasurer shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties devolving upon, and the trust reposed in them, as the common council shall direct and require.

Officers to give security

Sec. 10. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets, highways, and bridges, and the labor to be performed thereon, within the limits of said village, and except so far as is herein otherwise provided.

Inhabitants of village to be liable to township government.

Sec. 11. The recorder, treasurer, marshal, and assessors, and such other officers and servants as may be appointed by said corporation, shall receive such compensation for their services as the by-laws and ordinances of such corporation shall direct, but the residue of the common council shall receive no pecuniary compensation.

Compensation of officers.

Sec. 12. The common council shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure, for the purposes following: for defining the powers, duties, and compensation of the recorder, treasurer, assessor, and marshal, and such other officers and servants as may be appointed by the common council; relative to the time and manner of working the streets, lanes and alleys of said village; relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fines, of persons occasioning the same; to suppress all games of chance or hazard, to license showmen, to suppress billiard tables, and all other gaming tables kept for hire, gain or reward in said village; relative to the time and

Common council may pass laws relative to—
Duties of officers.
Time of working streets.
Billiard tables.

Levying taxes.	manner of assessing, levying and collecting all highway and other taxes in said village; for the suppressing of riots and gambling, and for the punishment thereof; for the apprehension and punishment of all vagrants, drunkards, and idle persons; to suppress the vending or giving away of spirituous or intoxicating liquors contrary to law; to prevent and punish immoderate driving in the streets of said village; to prohibit bathing in any public waters in said village; to prevent the incumbering of the streets, sidewalks, alleys, or public grounds or squares within the limits of said corporation, of all wood, filth, or other nuisances; to purchase grounds for, and regulate cemeteries, and the burial of the dead; to order the removal of the dead from any burying ground, and to order any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best interests or health of the citizens; to regulate the measuring of fire-wood and the weighing of hay, and prescribe the stand for drays and carts, and for wood, hay, and produce exposed for sale in said village; to construct sewers and reservoirs; relative to the keeping and sale of gunpowder in said village; to compel the owners of all buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council for the protection of the village, and the inhabitants thereof, and their property, against fire and injuries by fire, and persons violating the public peace; to prescribe fire limits, and the character of buildings to be erected within such limits, with regard to the precautions against fires and damage by fires; to prescribe the regulation of bridges within the limits of said village; relative to the calling of meeting of the electors of said village; to prohibit and restrain the running at large in said village of horses, cattle, mules, swine, sheep, geese, and all other animals; to regulate and establish one or more pounds for said village; for grading the streets, alleys, and ditches, and paving them, and causing sidewalks to be made, and the mode of assessing the expense thereof on the lots in front of which either or all of said improvements shall be made; to prescribe
Riots.	
Vagrants.	
Liquors.	
Fast driving.	ing and sale of gunpowder in said village; to compel the owners of all buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council for the protection of the village, and the inhabitants thereof, and their property, against fire and injuries by fire, and persons violating the public peace; to prescribe fire limits, and the character of buildings to be erected within such limits, with regard to the precautions against fires and damage by fires; to prescribe the regulation of bridges within the limits of said village; relative to the calling of meeting of the electors of said village; to prohibit and restrain the running at large in said village of horses, cattle, mules, swine, sheep, geese, and all other animals; to regulate and establish one or more pounds for said village; for grading the streets, alleys, and ditches, and paving them, and causing sidewalks to be made, and the mode of assessing the expense thereof on the lots in front of which either or all of said improvements shall be made; to prescribe
Incumbering streets.	
Cemeteries.	
Firewood.	
Hay.	ing and sale of gunpowder in said village; to compel the owners of all buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council for the protection of the village, and the inhabitants thereof, and their property, against fire and injuries by fire, and persons violating the public peace; to prescribe fire limits, and the character of buildings to be erected within such limits, with regard to the precautions against fires and damage by fires; to prescribe the regulation of bridges within the limits of said village; relative to the calling of meeting of the electors of said village; to prohibit and restrain the running at large in said village of horses, cattle, mules, swine, sheep, geese, and all other animals; to regulate and establish one or more pounds for said village; for grading the streets, alleys, and ditches, and paving them, and causing sidewalks to be made, and the mode of assessing the expense thereof on the lots in front of which either or all of said improvements shall be made; to prescribe
Sewers.	
Gunpowder.	
Fire buckets.	
Fire limits.	ing and sale of gunpowder in said village; to compel the owners of all buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council for the protection of the village, and the inhabitants thereof, and their property, against fire and injuries by fire, and persons violating the public peace; to prescribe fire limits, and the character of buildings to be erected within such limits, with regard to the precautions against fires and damage by fires; to prescribe the regulation of bridges within the limits of said village; relative to the calling of meeting of the electors of said village; to prohibit and restrain the running at large in said village of horses, cattle, mules, swine, sheep, geese, and all other animals; to regulate and establish one or more pounds for said village; for grading the streets, alleys, and ditches, and paving them, and causing sidewalks to be made, and the mode of assessing the expense thereof on the lots in front of which either or all of said improvements shall be made; to prescribe
Meetings of electors.	
Cattle.	
Grading streets.	

the manner in which stoves, with their pipes, in actual use, Chimneys. shall be put up, and chimneys built, to guard against fires; Fires. also, such by-laws and ordinances as may be deemed by the Bad houses. common council expedient or necessary for preventing and suppressing all disorderly and bad houses; and said coun- Fines. cil shall also have the power to make all by-laws and ordinances as to the said common council shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties, and forfeitures on all persons offending against the rules, by-laws, and ordinances made as aforesaid: *Provided always,* Such rules, by- Proviso. laws, and ordinances shall not be repugnant to the constitution of the United States, or of the State of Michigan: *And pro-* Ibid. *vided also,* That no such rule, by-law, or ordinances of said corporation shall have any effect until the same shall have been published four weeks successively in a newspaper published in said county of Monroe, or by written notices posted up in three of the most public places in said village, at least four weeks before the time fixed for the same to take effect; and an affidavit of such publication or posting of the same, attached to the same, or entered at large upon the records of said corporation by the recorder, shall be deemed *prima facie* evidence of such publication or posting.

Sec. 13. Any justice of the peace of the township of Summerfield is hereby authorized and empowered to inquire of, Justice of the peace; powers and duties of. hear, try, and determine in a summary manner, all the offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances, and regulations that shall be made, ordained, or established by the said common council, in pursuance of the power granted them in this act, and punish the offender or offenders, as by the said by-laws, ordinances, or regulations shall be prescribed or directed: *Pro-* Proviso. *vided always,* That any person arrested on a charge of violating any of the by-laws, ordinances, or regulations aforesaid, may demand and have a trial by jury.

How liability
to assess-
ment shall be
estimated.

Notice of
time and
place for
inspecting
assessment
roll.

Proviso.

Common
council;
power of to
collect capi-
tation and
other taxes.

Proviso.

Sec. 14. The liability to assessment and taxation of personal estate, within the limits of said corporation, shall be estimated at the amount thereof possessed by its owner, his agent, or trustee, on the third Monday of March in each year, and all resident real estate to the person occupying it on that day, unless the same shall be given in by some other person for assessment; and whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof, by publishing in any newspaper printed in said village, if one is there published, by at least two insertions, stating the place where the said roll is left for the inspection of all persons interested; and in case no such paper is published in said village, said assessor shall cause such notice to be posted in three public places in said village, at least two weeks before the time fixed by them to meet to hear objections to the assessments in said rolls; and said notices shall state the time when, and place where said assessors will meet to hear the objections of any person interested in the valuation so made by them; and the said assessors, at such meeting, on the application of any such person considering himself or herself aggrieved, may review and reduce the valuation, and correct such assessment, on sufficient cause being shown, upon oath, to the satisfaction of said assessors: *Provided also*, All property, real and personal, within the limits of said village, except such as is exempted by general law, shall be liable to assessment and taxation, under the provisions of this act.

Sec. 15. The common council shall have power and authority to levy and collect a capitation or poll tax upon the persons in said village liable thereto according to law; also, taxes for highway purposes; also, taxes on all real and personal estate or property within the limits of said village, which said common council shall deem necessary to defray the expenses of said corporation and improvements, and for working and keeping the streets in repair therein, under the direction of said council: *Provided*, That the taxes so assessed or levied, exclusive of

taxes assessed in days for labor on highways, if so assessed, shall not in any one year exceed one-half of one per cent. upon the valuation of said real and personal property; and all taxes levied upon real estate, lands, tenements, and hereditaments, or premises whatsoever, by said common council in said village, and all assessments thereon by said common council, made for opening a street or alley, grading or paving a street, or for making or repairing a sidewalk, shall remain a lien on said lands, tenements, and hereditaments, from the time of making such assessments, or imposing such tax, until paid; and it shall be the duty of said common council, immediately after the assessors have completed the assessment roll, to estimate, apportion, and set down in a column for that purpose, opposite to the several sums set down as the polls and the value of the real and personal estate in the assessment roll for the year, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seal of said common council, or a majority of the members thereof, directed to and requiring him to collect from the several persons named in said roll the several sums mentioned therein set opposite their respective names, as the tax, taxes or assessment, and authorize him, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant.

Taxes to be
a lien on
lands, etc.

Assessment
roll; warrant
attached,
and marshal
ordered to
collect.

Sec. 16. If any person shall neglect or refuse to pay the sum or sums at which he or she shall be taxed or assessed, as aforesaid, the said marshal is hereby authorized and required to levy the same by distress and sale of goods and chattels of the person who ought to pay the same; and in case the goods and

Proceedings
in case of
refusal to
pay tax.

chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Taxes
remaining
unpaid for a
year; how
collected.

Notice of
sale.

How
treasurer
shall sell
real estate.

Proviso.

Sec. 17. The taxes upon real estate, with special assessments, for the purpose mentioned in section fifteen of this act, and assessed in the manner herein otherwise in this act provided, on the assessment roll, which, according to the return of the marshal upon said roll, remains unpaid at the expiration of his warrant, and which, with the interest thereon, to be computed at the rate of fifteen per centum per annum until paid, shall remain unpaid for one year from the date of the marshal's warrant, aforesaid, the treasurer of said village shall collect by sale of the real estate charged with such taxes and assessment, by sale of so much thereof at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, assessments and interest, together with all charges thereon, first giving at least six weeks' notice of the time and place of such sale, by advertisement posted up in three public places in said village, or by causing the same to be published six weeks successively in a newspaper printed in said village; an affidavit of said publication, or posting of said notice, recorded in the manner prescribed in the twelfth section of this act, shall be deemed *prima facie* evidence of the fact of publication, or posting of such notice.

Sec. 18. On the day mentioned in said notice, the said treasurer shall commence the sale of the said real estate, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments thereon, respectively; also, the interest and charges charged thereon, respectively as aforesaid: *Provided*, That if less than the whole tract or description in any case is required, the portion sold for such taxes and charges, with interest, shall be taken from the north side of such tract or description, as is provided by general laws for sale of land for State and county taxes; and

the said treasurer shall give to the purchaser or purchasers of any such land, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person or persons claiming title to the said lands described in said certificate, shall not, within one year from the day of the sale, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of the said sale, the treasurer, or his successor in office shall, at the expiration of the term of two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale and all things pertaining thereto, was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, and acknowledged, witnessed, and recorded in the usual form, may be given in evidence, in the same manner, and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Certificate
of purchase.

Conveyance.

When may
be used as
evidence.

Sec. 19. The common council shall have authority to lay out and establish, open, make, alter, and discontinue such streets, lanes and alleys, sidewalks, highways, water-courses, ditches, and bridges within the limits of said village, as they may deem necessary for the public convenience; and if they shall require the lands of any person for such purpose, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of said common council, for the purpose aforesaid; and the said common council are hereby authorized to contract for and purchase such lands of said owner, for the purposes aforesaid; and in case such owner

Common
council may
lay out
streets.

Take private
lands for
public use.

In case of
refusal to
sell, may
summon
jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Provided.

or owners refuse to sell or convey such lands or premises for the purposes aforesaid, or the parties fail to agree upon the price of said lands, it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before a justice of the peace in said village, or the justice residing nearest thereto, within the county of Monroe, at a time to be therein stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners or parties interested in such land and premises; which jury being duly sworn by such justice, faithfully and impartially to inquire into and determine the necessity of using such grounds or premises, and to ascertain and determine the just compensation to be made therefor, and after having reviewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of said assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk or highway shall be made, opened, established or altered, to the claimant or claimants thereof. It shall therefrom be lawful for the common council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court for the county of Monroe, and upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within five days, or in case such party does not reside in said village, then within thirty [days] after the rendition of such verdict, and the judgment thereon as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice,

within forty days after the verdict and judgment as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment of said court shall not ^{Ibid.} exceed the damages assessed before said justice, at least ten dollars, the party appealing shall pay the cost occasioned by such appeal.

Sec. 20. The common council shall have authority to establish and organize all such fire companies, and hose, and hook and ladder companies, and provide and purchase for them proper engines and other instruments, and buy and construct buildings, and purchase grounds or lands for such buildings as shall by them be deemed necessary to extinguish fire, and preserve the property of the inhabitants of said village from conflagration; to appoint from among the inhabitants of said village such numbers of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such ^{Proviso.} number shall not exceed fifty in the management of an engine; and each fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of such companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the highways or streets in said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working and exam- ^{Firemen to appoint their own officers.} ^{Exempt from poll tax and jury service.} ^{To keep engine and apparatus in good repair.} ^{Council may organize fire companies.}

ining said engine and other instruments, with a view to their perfect order and repair.

Duty of
marshal at
fires.

Sec. 21. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder, and trustees, or either of them who may be present at the fire.

Common
council to
make annual
statement.

Sec. 22. The common council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted upon the outward door of the building where the last annual election was held in said village, a true statement of the receipts and expenditures of the preceding year.

Citizens not
incompetent
as jurors.

Sec. 23. In all the processes, prosecutions, and other proceedings wherein the common council shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

Proviso.

Disorderly
persons;
arrest of.

Sec. 24. It shall be the duty of the marshal to arrest any drunken and disorderly person, or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before any justice of the peace of the township of Summerfield; and the said justice shall thereupon proceed to hear, try, and determine the matter upon proof, in a summary manner; and upon conviction of such person or persons, may sentence any such persons to pay a fine of not more than twenty-five dollars and costs, or to be committed to imprisonment in the county jail of the county of Monroe not more than ten days, or both such fine and imprisonment, at his discretion, and may further require such person to enter into

Justice to
try, and, on
conviction,
to sentence.

recognizance in a sum not exceeding fifty dollars, to keep the peace and for his good behavior for six months thereafter; and the sheriff of the county of Monroe is hereby authorized and required to receive and safely keep in jail such persons so committed, such time as prescribed in the warrant of commitments, upon the same terms as provided for similar offenses by the laws of this State. This said corporation shall be allowed the use of the common jail of the county of Monroe for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases.

Sheriff to have charge of.

Corporation to have use of county jail.

Sec. 25. The said common council shall have power to make and enforce such rules, by-laws, and ordinances as they shall think proper, or deem necessary to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

Council may pass health laws.

Sec. 26. Any person elected to any office in the said corporation, who, having been duly notified of his said election, shall neglect or refuse to qualify within the time provided in this act, and cause the certificate of his official oath to be filed, as hereinbefore provided, and not exempted from holding office, shall forfeit and pay the sum of ten dollars.

Penalty for non-acceptance.

Sec. 27. This act shall be deemed a public act, and copies thereof printed under authority of the Legislature, shall be received as evidence, without further proof.

Public act.

Sec. 28. This act shall take immediate effect.

Approved March 19, 1869.

[No. 303.]

AN ACT to legalize the organization of union school district number one, of Wyoming and Georgetown, in the counties of Kent and Ottawa, in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* union school district number one, of Wyoming and Georgetown, in the counties of Kent and Ottawa, and as described and re-

Organization of school district legalized.

corded in the book of records of the school inspectors of the township of Wyoming, in said Kent county, is hereby declared to be legally organized, and as valid, to all intents and purposes, from the beginning, as though the proceedings of the school inspectors of said townships, in attaching the territory comprising said district and embracing it therein, and the proceedings of the board of trustees of said district with reference thereto, as well as the records of such proceedings, had been regular and in accordance with law.

Sec. 2. This act shall take immediate effect.

Approved March 19, 1869.

[No. 304.]

AN ACT to incorporate the village of Orion.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situate in the township of Orion, in the county of Oakland, and State of Michigan, known and described as follows, to wit: The west half of the south-west quarter of section one, the south-east quarter of section two, the east half of north-east quarter of section eleven, and the west half of the north-west quarter of section twelve, all in town four north, of range ten east, be and the same is hereby constituted a town corporate, by the name of the village of Orion.

First election; when and where held. Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution, shall meet at the Canandaigua House in said village, on the second Monday of April next, and on the second Monday of April annually thereafter, at such place as shall be designated by the common council of said village, and then and there proceed, by a plurality of votes, to elect, by ballot, from among the qualified electors residing in said village, one president, one recorder, who shall, in addition to his duties as clerk, act and perform the duties of police justice, one treasurer, and one assessor, who shall hold their offices for one year, and until their suc-

Officers, and terms of office.

cessors are elected and qualified; there shall also be elected at the first election in said village, six trustees, three of whom shall hold their offices for the term of two years, and three for the term of one year, and the term of each shall be designated upon the ballot; and annually thereafter three trustees shall be elected, who shall hold their offices for two years: *Provided, That* Provido. if any election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that reason shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Sec. 3. At the first election to be holden under this act there shall be chosen, *viva voce*, by the electors present, two judges Judges and clerk of election; duties of. and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by some person duly authorized to administer oaths, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees. At all elections the polls shall be opened between the hours of Time of opening polls. nine and ten o'clock in the forenoon, and continue open until three o'clock in the afternoon of the same day, and no longer; and the name of each elector so voting at such election shall Poll list. be written in a poll list, to be kept at such election by the officer or officers holding the same. After the close of the polls at Illegal votes such election, the said officer or officers shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be esti-

Canvass of
votes.

mated; and thereupon the officers of the common council, holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes shall be declared duly elected:

Proviso.

Provided, If it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper, of equal size, as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Notice of
time and
place of hold-
ing election.

Sec. 4. It shall be the duty of the recorder of said village to give at least five days' notice, in writing, by posting the same in at least three public places in said village, of the time and

Recorder to
notify per-
sons of their
election.

place of holding each election; and as soon as practicable, and within five days after closing the polls at any election, to notify the officers, respectively, of their election; and the said officers so elected and notified as aforesaid shall, within ten days after receiving a copy of such notice, take and subscribe the oath of office prescribed by the constitution, before the recorder, or any other person authorized to administer oaths, and file the same with the recorder of said village; and every person offering to vote at any such election, before he shall be permitted to vote, shall, if required by any elector of said village, take an oath complying with the constitutional qualifications of an elector, as required by article seven, section one, of the constitution of this State, and as required by the laws of this State; and the president or recorder of said village is hereby

authorized to administer the oath to electors contemplated by this act; and any person who shall knowingly and falsely take such oath shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the same fines and penalties as are provided for the punishment of that crime by the laws of this State.

President and recorder authorized to administer oaths.

Sec. 5. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "The Common Council of the Village of Orion," and by that name they and their successors in office shall be known in law, and by that name they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts of this State, and in any other place whatsoever; and may have a common seal, and may alter and change the same at pleasure; and by such name may purchase, hold, and convey real and personal estate, for the use and benefit of said corporation.

Body corporate and politic.

Sec. 6. It shall be the duty of the president to preside at all meetings of the common council of said village; and the recorder shall keep a fair and accurate record of the proceedings.

President to preside at all meetings of council.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all general laws relating to the township government, except so far as relates to the laying out and construction of streets and highways in said village, and the labor to be performed thereon within the limits thereof: *Provided*, That nothing herein contained shall be so construed as to make it incumbent on the said corporation to build or keep in repair any of the bridges crossing Paint Creek, or the mill-race within the limits of said corporation.

Inhabitants to be liable to operation of township laws.

Proviso.

Sec. 8. The president, recorder, and trustees, when assembled together and duly organized, shall constitute the common council of said village, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time;

Common council; who to constitute

When to
meet.

and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy, and collect such fines as they may deem proper for the non-attendance of the members of said council, or of any officer whose attendance is required: *Provided*, That no such fine shall exceed the sum of five dollars for one offense.

Proviso.

May fill
vacancies.

Sec. 9. The board of common council may order a special election to fill any vacancy that may occur by the death, resignation, or removal of any of the officers elected by the electors of said village; but no special election shall be held until at least five days' notice shall have been given of the time and place of holding the same, as herein provided.

Removal of
officers.

Sec. 10. The common council shall have power to remove, at pleasure, any officer or officers by them appointed by virtue of this act, and to fill any and all vacancies that may happen in any of said offices, so often as the same may occur, from any cause; and all officers so appointed shall be notified and qualified as hereinbefore provided, and perform the duties of their respective offices.

Treasurer
and marshal
to give se-
curity.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trust reposed in them as the common council shall direct and require.

Common
council may
pass laws
relative to—

Sec. 12. The common council shall have full power and authority to appoint a marshal, a street commissioner, and all other officers necessary under the provisions of this act, for said village, whose election is not herein provided for; to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessor, and other officers; relative to the time and manner of working upon streets, lanes and alleys; relative to the time and manner of assessing, levying, and collecting all highway and other taxes in said village; relative to the prevention, removal, and abatement of nuisances within the limits of said village; to construct sewers, cisterns,

Fees of
officers.

Streets.

Taxes.

Nuisances.

Sewers.

and reservoirs; to license showmen; to suppress gaming; to com- ^{Gaming.}
 pel the owners of buildings to procure and keep fire-buckets;
 relative to the protecting of the village from fires; relative to ^{Fires.}
 the calling of meetings of the electors of said village; relative to ^{Gunpowder.}
 the keeping and sale of gunpowder in said village; relative to
 the restraining of swine, horses, and other animals from run- ^{Cattle.}
 ning at large in the streets, commons, lanes, and alleys in said
 village; to regulate and establish one or more pounds in said ^{Pounds.}
 village; to suppress billiards, and other gaming tables kept for ^{Billiards.}
 hire, gain or reward, in said village; for the suppression of ^{Riots.}
 riots; for preventing and suppressing disorderly houses, or
 houses of ill-fame in said village; for the apprehension and pun- ^{Vagrants.}
 ishment of vagrants, drunkards, and idle persons in said village;
 to regulate the measuring of fire-wood, and the weighing of hay ^{Firewood.}
 in said village; to prescribe stands for carts, drays, and for ^{Carts.}
 wood, hay, and produce exposed for sale in said village; to pre- ^{Fast}
 vent and punish immoderate driving in any of the streets of ^{driving.}
 said village; to prevent incumbering the streets, sidewalks,
 alleys, or public grounds; and to regulate all grave-yards and ^{Cemeteries.}
 cemeteries within or belonging to said village; to preserve
 shade and ornamental trees in said village; and to make all ^{Good}
 such by-laws and ordinances as to them shall seem necessary ^{government}
 for the safety and good government of said village and its ^{of village}
 inhabitants; and to impose all fines, penalties, and forfeitures,
 on all persons offending against such by-laws and ordinances:
Provided always, That such by-laws shall not be repugnant to ^{Proviso.}
 the constitution of the United States, or the State of Michi-
 gan: *And provided also,* That no by-laws or ordinances of said ^{Ibid.}
 corporation shall have any effect until the same shall have been
 published three weeks successively, in a newspaper printed in
 said village, or by written notices posted up in three of the most
 public places in said village.

Sec. 13. The common council shall have authority to lay out ^{Laying out}
 and establish, open, make, and alter such streets, lanes, and ^{streets.}
 alleys, sidewalks, highways, and water-courses within the lim-
 its of said village, as they may deem necessary for the public

Taking
private lands

May require
the sum-
moning of a
jury to assess
damages.

Compensat'n
tendered to
owner.

Proviso.

convenience; and if they shall require the lands of any person for such purpose, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of said common council, for the purpose aforesaid; and the said common council are hereby authorized to contract for and purchase such lands of said owner, for the purposes aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purpose aforesaid, or the parties fail to agree upon the price of said lands, it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before a justice of the peace in said village, or the justice residing nearest thereto, within the county of Oakland, at a time to be therein stated, to inquire into the just compensation to be made therefor to the owner or owners, or parties interested in such land and premises; which jury being duly sworn, by such justice, faithfully and impartially to inquire into, and ascertain and determine the just compensation to be made therefor, and after having reviewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley, or sidewalk, or highway shall be made, opened, established, or altered, to the claimant or claimants thereof. It shall therefrom be lawful for the common council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party claiming damages, as aforesaid, may have the

right to remove such proceedings, by appeal to the circuit court for the county of Oakland; and upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within five days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon, as aforesaid, and also upon filing with said justice a bond to the common council of said village, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by said justice, conditional to pay all costs occasioned by said appeal, if the same should be assessed against him; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment of said court shall not exceed the damages assessed before said justice at least five dollars, the party appealing shall pay the cost occasioned by such appeal. Ibid.

Sec. 14. Any justice of the peace of the township of Orion is hereby authorized and empowered to inquire, hear, and determine all offenses committed within the limits of said village, against any of the by-laws, ordinances, and regulations of said common council, and to punish the offender or offenders as prescribed by such by-laws or ordinances: *Provided*, That any person charged with violating any of said by-laws or ordinances may demand and have a trial by jury, as in other cases. Justices of the peace. Proviso.

Sec. 15. The marshal, recorder, assessor, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the by-laws and ordinances shall direct, which compensation shall not be increased during the term for which they were elected or appointed. Compensat'n of officers.

Sec. 16. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received and expended by them, in their corporate capacity, during the year next preceding such publication, and Common council to make annual statement.

also the disposition thereof; which statement shall contain, in detail, all receipts and expenditures, and shall be made at least one week before the annual election for officers in each year.

Citizens to
be compet'nt
as jurors.

Sec. 17. In all processes, prosecutions, and other proceedings wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event

Proviso.

of such proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village. In

Suits; how
commenced.

any action or suit against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy of such process, certified to by the officer, with the recorder or president of said incorporation, at least ten days before the return day thereof.

Proceedings
in prosecu-
tions for
fines.

Sec. 18. In all prosecutions for fines, penalties, or forfeitures, as is provided for in this act, the first process may be by warrant or summons, and shall be served and returnable in like manner, and the same proceedings may be had, as near as may be, as proceedings of a similar kind under the laws of this State.

Council
authorized to
levy taxes.

Sec. 19. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property, not exempt from taxation, within the limits of said village, necessary to defray the expenses thereof: *Provided*,

Proviso.

That the said taxes so assessed and collected shall not exceed, in any one year, one-half of one per centum upon the valuation of said real and personal property, and exclusive of the capita-

Taxes to be
a lien on
lands, etc.

tion or poll tax; and every assessment of taxes lawfully imposed or laid by said common council, on any lands, tenements, and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments, or premises whatsoever in said village, from the time of making such assessments, or imposing such tax, until paid; and the said owner or occupants, or parties interested, respectively, in said real estate, shall be liable, upon demand, to pay every such

assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell the personal property of such owner or occupant, or to sell such real estate, sufficient to pay and satisfy such taxes, and the charges which may accrue, rendering the surplus, if any, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, once in each week, for at least six weeks, or by posting written notices in three public places in said village, for at least six weeks previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land, and of the amount for which it was sold; and if the person claiming title to said land described in the certificate of sale, shall not, within one year from the date thereof, pay the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum, from the date of such certificate of sale, the marshal, or his successor in office shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be *prima facie* evidence of the sale, and that all the proceedings therein prior to such sale were regular, according to the provisions of this act, from the valuation of the land by the assessor, to the date of the deed inclusive; and every such conveyance, executed by the said marshal under his hand and seal, and witnessed by two or more subscribing witnesses, and duly acknowledged by a proper officer, and recorded in the usual form, may be given in evidence in the same manner, and with like effect as a deed regularly executed and acknowledged by the owner, and

When marshal may sell property

Proviso.

Certificate of sale.

Conveyance.

May be used as evidence.

When certificate of sale may be canceled.

duly recorded, may be given in evidence; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon the said real estate, and that the same has been returned by mistake or otherwise, improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may thereupon draw a warrant upon the treasurer for the amount of purchase money, and seven per cent. interest, and no deed shall thereupon be given upon such certificate of sale; and all sales of personal property, as herein provided for, shall be made in the same manner, and upon like notice, as is prescribed by the laws of this State for constables' sales.

Assessor to give notice of time and place for review in assessment roll.

Sec. 20. Whenever the assessor of said village shall have completed his assessment roll and valuation of the property, real and personal, in said village, it shall be his duty to give notice thereof, by publishing in a newspaper printed in said village, by at least two insertions, or by posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when, and the place where he will be to hear the objections of any persons interested, to the valuations so made therein; and at the time so appointed, the assessor shall appear at the place designated, and on the application of any person considering himself aggrieved, may review and reduce the said valuation on sufficient cause being shown, upon oath, to the satisfaction of said assessor; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessor, they shall have the right of appealing from such decision of the said assessor at any time within ten days thereafter to the common council, who are, in like manner, hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Right of appeal.

Tax roll; council to make duplicate of.

Sec. 21. It shall be the duty of the common council to make out a duplicate of the tax roll, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village,

which duplicate shall contain a warrant in the usual form, which shall be signed by the president and recorder, and be delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct; and the marshal shall be entitled to the same fees as are allowed to township treasurers for collecting taxes; and the highway taxes assessed upon the real and personal property within the limits of said village, shall be laid out and performed under the direction of the street commissioner, on the several streets and alleys within the limits of said village.

Sec. 22. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and perform such other services as may be required of him, under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; and shall be entitled for and in the performance of his duties to the same privileges and be subject to the same liabilities as constables are entitled and subject to by the laws of this State; and he shall pay over all moneys by him received by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct.

Sec. 23. It shall be the duty of the marshal to arrest any drunken or disorderly, brawling, or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before any justice of the peace of the township of Orion, and the said justice shall thereupon proceed to hear, try, and determine the matter upon proof, in a summary manner; and upon conviction of said person or persons, may sentence such person to pay a fine of not more than five dollars and cost, or to be committed to imprisonment in the county jail of the county of Oakland, for not more than ten days, or both such fine and imprisonment, at his discretion; and said

Sheriff to
confine in
county jail.

Marshal to
have super-
vision of
streets.

Street com-
missioners.

Proviso.

May estab-
lish building
lines.

Compensat'n
of officers.

justice may further require such person to enter into a recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter; and the sheriff of said county of Oakland is hereby authorized and required to receive and safely keep in jail such person so committed, such time as is specified in the warrant of commitment, upon the same terms as provided for similar offenses by the laws of this State; the marshal shall also have the general supervision of the streets, lanes, and alleys, and sidewalks in said village, under the direction of the common council, and shall see that the by-laws and ordinances of said village are duly and properly observed within said village, and shall perform such other duties as the common council may direct.

Sec. 24. The common council shall have power to appoint one or more street commissioners to superintend and direct the making, planking, paving, repairing, and opening of all streets, lanes, alleys, sidewalks, or highways within the limits of said corporation, in such manner as they may from time to time be directed by the common council: *Provided*, That the commissioners of highways of the township of Orion shall possess the same powers, and are charged with the same duties within the corporate limits of said village, as to the maintenance of bridges therein, as are now required of them by law; and the said street commissioner shall have power to establish the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets and sidewalks to be assessed on lots or premises adjoining such improvements; but cross-walks shall be built by general assessment, or they may make a general assessment for the building of any sidewalk in said village.

Sec. 25. The recorder, treasurer, assessor, street commissioner, and other officers that may be appointed by the common council, shall receive for their services, unless otherwise provided for, the sum of twenty-five cents per year. The common

council may, at their discretion, allow a further sum, but the president and trustees shall receive no pecuniary compensation.

Sec. 26. The common council shall have authority to establish and organize fire companies, and hook and ladder companies, and provide them with engines and other implements, as shall be necessary to extinguish fires, and preserve the property of the village from conflagrations; to appoint from among the inhabitants of said village such number as may be deemed necessary to serve as firemen; and each fire company, and hook and ladder company, shall have power to elect their own officers and establish rules for the government of said companies, subject to the approval of the common council, and they may impose such fines for the non-attendance or neglect of duty of any of its members as they may deem necessary and proper; and every member of such company may obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such companies, during their continuance as such, shall be exempt from serving on juries, and working poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good repair and condition, the fire engines, hose, ladders, and other instruments of such company, and they shall assemble at least once a month, or as often as may be directed by the common council, for the purpose of working or examining said engines and other instruments, with a view to their perfect order and repair.

Council may
organize fire
companies.

Appoint
firemen.

Members of
fire compa-
nies to elect
their own
officers.

Firemen to
be exempt
from poll tax
and jury
service.

To keep en-
gine, etc., in
good repair.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire, as in preventing any goods from being stolen, and also in removing the same; and the president, recorder, and marshal shall respectively have power to compel any bystander, at any fire in said village, to assist and aid in the extinguishing thereof; and any person neglecting or refusing obedience to the orders of said president, recorder, or marshal, shall forfeit and pay to the use

Duties of
officers at
fires.

of said village, a sum not less than five nor more than ten dollars for each offense.

President to
sign all war-
rants, etc.

Sec. 28. The president shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

Sec. 29. This act shall take immediate effect.

Approved March 19, 1869.

[No. 305.]

AN ACT to amend an act entitled "An act to revise and amend the charter of the city of Saginaw," approved February 5th, 1859, as amended by act No. 39, of the session laws of 1863, and by act No. 122, of the session laws of 1865, and by act No. 496, of the session laws of 1867.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections three, (3,) five, (5,) eight, (8,) nine, (9,) ten, (10,) fifteen, (15,) twenty-four, (24,) thirty-eight, (38,) fifty-four, (54,) sixty-seven, (67,) and sixty-eight, (68,) of an act to amend an act entitled "An act to revise and amend the charter of the city of Saginaw," approved February 5th, 1859, as amended in 1863, 1865, and 1867, be so amended as to read as follows:

Divisions of
city.

First ward.

Sec. 3. The said city shall be divided into six wards. The first ward shall comprise all that part of said city within boundaries, to wit: commencing at the west line of the village of Florence, where said west line intersects the east and west quarter line of section thirteen, town twelve (12) north, of range four east; thence west on said line to the section line between sections thirteen (13) and fourteen, (14,) in said town; thence south on said line to its intersection with Harrison street; thence south along the center of Harrison street to the center of Madison street; thence along the center of Madison street to the center of the Saginaw river; thence north along the center of the Saginaw river to the east and

west quarter line of section twenty-four, (24,) town twelve (12) north, of range four (4) east; thence west on said quarter line to the west line of the village of Florence; thence north along the west line of the village of Florence to the place of beginning. The second ward shall embrace all that portion of ^{Second ward.} said city within the following limits, to wit: commencing at the center of the Saginaw river at the foot of Court street; thence along the center of Court street to the north and south quarter line of section twenty-two, (22,) town twelve (12) north, of range four (4) east; thence north along said line to the east and west quarter line of section fifteen, (15,) of said town; thence west on said line to the center of Mackinaw street; thence along the center of Mackinaw street to the center of the Saginaw river; thence along the center of the Saginaw river to the place of beginning. The third ward shall embrace ^{Third ward.} all that portion of said city within the following boundaries, to wit: commencing at the center of the Saginaw river at the foot of Mackinaw street; thence along the center of Mackinaw street to the east and west quarter line of section fifteen, (15,) town twelve (12) north, of range four (4) east; thence west along said line to the section line between sections fifteen (15) and sixteen (16) of said town; thence south on said section line to the center of the Gratiot State road, (so called;) thence east along the center of said road to the center of First street; thence south along the center of said First street to the center of Waller street; thence south along the center of said Waller street to the center of the Saginaw river; thence north along the center of the Saginaw river to the place of beginning. The fourth ward shall embrace all that portion of said city ^{Fourth ward.} lying south and west of the third ward. The fifth ward shall ^{Fifth ward.} embrace all that portion of said city within the following boundaries, to wit: commencing at the center of Saginaw river, at the foot of Madison street; thence along the center of Madison street to the north and south subdivision line of the south-west quarter of section twenty-three, (23,) town twelve (12) north, of range four (4) east; thence north on said sub-

division line to the east and west quarter line of section twenty-three, (23,) of said town; thence west on said quarter line to the center of the Bay City State road, (so called;) thence north along the center of said road to the city limits on the north; thence west along said city limits to the north and south quarter line of section fifteen, (15,) of said town; thence south on said quarter line to the center of Court street; thence along the center of Court street to the center of the Saginaw river; thence along the center of the Saginaw river to the place of beginning. The sixth ward shall comprise all that part of said city embraced within the following boundaries, to wit: commencing at the center of Madison street, at its intersection with Harrison street; thence north along the center of Harrison street to the section line between sections twenty-three, (23,) and twenty-four, (24,) town twelve (12) north, of range four (4) east; thence north on said section line to the east and west quarter line of section fourteen, (14,) in said town; thence west on said quarter line to the center of the Bay City State road, (so called;) thence south along the center of said road to the east and west quarter line of section twenty-three, (23,) in said town; thence east on said quarter line to the north and south subdivision line of the south-west quarter of section twenty-three, (23,) in said town; thence south on said subdivision line to the center of Madison street; thence east along the center of Madison street to the place of beginning.

Election of
constable
and alder-
man.

Proviso.

Sec. 5. There shall also be elected at the same time, in and for each of the several wards of said city, one constable, who shall hold his office for the term of one year, and one alderman, who shall hold his office for the term of two years, and until their successors shall be elected and qualified; and every third year there shall be elected one supervisor, who shall hold his office for the term of three years, and until his successor shall be elected and qualified: *Provided*, That at the election held in the year eighteen hundred and sixty-nine, there shall be elected in the fifth ward, one alderman for the term of one year, and one alderman for the term of two years, and until

their successors shall be elected and qualified; also, one supervisor for the term of three years, and until his successor shall be elected and qualified. In the sixth ward there shall be elected Officers in sixth ward. one alderman for the term of one year, and one alderman for the term of two years, and until their successors shall be elected and qualified; also, one supervisor for the term of two years, and until his successor shall be elected and qualified. In the first ward there shall be elected In first ward one supervisor for the term of three years, and until his successor shall be elected and qualified. In the third ward there shall be elected In third ward. one supervisor for the term of two years, and until his successor shall be elected and qualified. Each of the said supervisors shall be the supervisor of the ward for which he is elected, with all the power of supervisors of townships of this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as in this act otherwise provided.

Sec. 8. The common council shall have power to appoint an Common council may appoint certain officers. attorney, a street commissioner, and one or more assistant street commissioners, a director of the poor, a marshal, a chief, and one or more assistant engineers for the fire department, and a controller, who shall be *ex officio* assessor of said city, and such other officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove from office any of their How may remove officers. own members, or any other officer holding office by election, (except the mayor and recorder,) for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, or for any violation of any of the ordinances of the common council, by a vote of two-thirds of all the aldermen elect; and in each case the reason for removal shall be Reasons for removal to be recorded. entered on the records of the common council, with the names and votes of the members voting on the question. No officer Elected officers; proceedings in case of removal of. holding office by election shall be removed by said council, unless first furnished with a copy of the charges against him in writing, and allowed to be heard in his defense, with aid

of counsel; and the common council shall have power to issue subpoenas to compel the attendance of witnesses, and the production of papers when necessary, and they shall proceed within twenty days after service of a copy of the charges, to hear and determine the case. If such officer shall neglect to appear and answer to such charges, his default may be deemed good cause for removal.

Resignat'ns;
how made.

Sec. 9. Resignations of office shall be made in writing to the common council, and subject to their approval and acceptance. In case of the death, resignation, removal from office, neglect to qualify, removal from the city or ward for which he has been elected, or permanent disability to perform the duties of his office, of any officer holding by election, the common council shall appoint some person eligible under this act, to serve in such office *pro tempore*, until such vacancy shall be filled by a special election for that purpose; and on the occurrence of such vacancy, the common council shall, at the first meeting held after such vacancy, order a special election to fill such vacancy; said election shall be conducted in the same manner, as near as may be, as the annual charter election provided for in this act; such vacancy shall be so filled for the residue of the official term. They may also fill by appointments, any vacancies in office held by appointment under this act. †

Vacancies;
how filled.

Common
council may
pass laws
relative to—
Finances
and public
property.

Sec. 10. The common council, in addition to the powers and duties specially conferred on them by this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem necessary and proper; they shall also have power within the limits and jurisdiction of said corporation—

Water in
river.

First. To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the depositing therein of all filthy and other matter, tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of said river within the limits of said city; to prohibit and prevent the depositing or keeping

Navigation
of river.

therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstruction that may at any time occur therein, and to direct and regulate the stationing, anchoring, and mooring of vessels, and laying out of cargoes and ballast for the same. Anchoring of vessels.

Second. To license, continue, and regulate so many ferries from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good. Ferries.

Third. To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line to be established by the common council, and to prohibit the incumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray, or thing whatsoever. Public wharves. Private docks.

Fourth. To lease the wharves and wharfing privileges at the ends of streets on the Saginaw river, in said city, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct; but no building shall be erected thereon; no lease thereof shall be executed for a longer period than twenty years, and a free passage shall at all times be secured for all persons, with their baggage, over said public wharves. Wharfing privileges. Free passage of passengers.

Fifth. To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than six disinterested freeholders of the county of Saginaw, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefits which will accrue to the owner or owners of any land, from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby; if such benefits are exceeded by the damages, they shall ascertain and certify the Draining of swamps. Opening ditches. Settling with owners of land.

May enter on
any land.

damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams, and implements to cut and open said ditch; to protect, clean, and scour it from time to time so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof, or injury thereto.

Wooden
houses.

Removal of
buildings.

Sixth. To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys, and places, or within said limits, and the rebuilding and repairing of the same; to prevent the rebuilding or repairing of wooden buildings on said streets, alleys, and places, or within said limits, when damaged by fire or otherwise.

Inspectors.

Seventh. To appoint one or more inspectors, measurers, weighers, and gangers of articles to be measured, inspected, weighed, and ganged; to prescribe and regulate their powers and duties, fees and compensation.

Paupers.

Eighth. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels, or in other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor.

City hall.

Purchasing
land.

Ninth. To erect, and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same.

Vice,

Tenth. To prevent vice and immorality; to preserve public peace and good order; to appoint, organize, regulate, and

maintain a police of the city, and to prevent and quell riots, Police. disturbances, and disorderly assemblages and conduct.

Eleventh. To restrain and prevent disorderly and gaming Gaming houses, and houses of ill-fame; the holding, keeping, or using Billiard tables of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys.

Twelfth. To prevent the vending or giving away of spirituous Liquors. or fermented liquors, and to license and regulate the sale thereof, whenever such sale shall hereafter be authorized by the laws of this State.

Thirteenth. To apprehend, restrain, and punish all drunkards, Drunkards. vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct.

Fourteenth. To prohibit and prevent, or license and regulate Public exhibitions. the public exhibition, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.

Fifteenth. To prohibit, prevent, abate, and remove all nuisances Nuisances. within said city, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog-pen, sewer, or other offensive house or place, to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of the city.

Sixteenth. To direct and regulate the location and mainten- Slaughter houses. Markets. Gunpowder. ance of all slaughter houses, markets, and buildings for storing gunpowder, or other combustible substances, and to prohibit or regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naptha, saltpeter, benzine, benzole, petroleum, kerosene oil, fire crackers, fire-works, and all other combustible substances, and the using thereof; the use of lights Lights.

in barns, stables, and other buildings, and the making of bonfires.

Incumbering
streets.

Seventeenth. To prevent the incumbering or obstruction of streets, side or cross-walks, lanes, alleys, bridges, wharves, or slips, in any manner whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions.

Immoderate
driving.

Eighteenth. To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses, oxen, or other animals, while standing in any of the streets, lanes, or alleys of the city, and to prevent persons from riding or driving upon or across any sidewalk.

Muzzling
dogs.

Nineteenth. To prevent or regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance.

Locomotives

Lighting of
railroads.

Twentieth. To restrain and regulate the use of locomotives, engines and cars upon the railroads within the city. To provide, by ordinance, for the lighting of any railroad or portion thereof which may be located within the corporate limits of the city, in such mode and manner as the common council shall prescribe; and when it shall be deemed necessary and proper by said common council to provide for the lighting of any such railroad or portion thereof, within the city, said common council shall pass and adopt an ordinance requiring such railroad company or companies, within a specified time—which shall not be less than thirty days—so to light their track or tracks, or such portion thereof as may be designated by such ordinance; and such ordinance shall prescribe the mode and manner in which the same shall be done; the number, style and size of lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting; the points of location for such lamp posts, and the time or times for lighting and keeping such lamps or burners lighted; and in case the said lighting shall not be done in conformity with the provisions, directions, and specifications of such ordinance, or, in case any

Action in
case railroad
company
refuse to put
up lights.

railroad company fail, neglect, or refuse to light its track, or such portion thereof as may be designated, and within the time limited by such ordinance, the common council may proceed immediately to cause such lighting to be done in conformity to the provisions of such ordinance, the expense of which shall be a proper charge against such company or companies; and the common council may provide in such ordinance the mode and manner in which the charge on any railroad company or companies shall be assessed and determined. Such charge when so assessed and determined shall be payable by such railroad company or companies at the time of the assessment, and shall also be a lien upon the lots, land, and any and all property, real or personal, in the possession of and belonging to such company or companies, from the time of making such assessment; such charge may be collected as provided for in such ordinance, and lien enforced by action or procedure at law or in equity, in the corporate name of said city; in any such proceedings at law, when pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished on the particular railroad, part or parts thereof; and in case any company or companies shall neglect or refuse to pay such assessment in the manner and at the time provided for in such ordinance, said city shall be entitled to demand, receive and recover, in addition to the amount assessed, with interest from the time of such assessment, the additional sum of five per cent. on such amount assessed, to defray the expense of collection, and which shall be included in any judgment or decree rendered under the provisions of such ordinance.

Collection of charges against company.

Twenty-first. To prohibit and prevent any indecent exposure of the person; the show, sale, or exhibition of any indecent or obscene books, pictures, or pamphlets, and all indecent or obscene exhibitions, or shows of every kind, and all indecent, immoral, profane, or disorderly conduct or language; and to prohibit or regulate the bathing in any public waters within or adjoining said city.

Indecent books and shows.

Bathing.

Pounds. *Twenty-second.* To establish, regulate, and maintain one or more pounds; and to restrain and prevent, or regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding.

Gaming. *Twenty-third.* To prevent every species of gaming; and to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose.

Violation of the Sabbath. *Twenty-fourth.* To protect and regulate all cemeteries or graveyards within the city, and all such without the limits of said city, as such corporation may acquire, and to regulate the burial of the dead, and the keeping of bills of mortality.

Cemeteries. *Twenty-fifth.* To prohibit the bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to provide for the removal or destruction thereof, wheresoever found.

Offensive substances. *Twenty-sixth.* To lay out, establish, make, alter, and regulate market places and public parks and grounds, and regulate the measuring and selling of fire-wood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds.

Market places. *Twenty-seventh.* To regulate the setting of awning and other posts, and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same.

Awning and other posts. *Twenty-eighth.* To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a two-thirds vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council

Meetings of electors.

Compensat'n of officers.

shall deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act. Powers and duties of officers.

Twenty-ninth. To survey, ascertain, and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, parks, squares and spaces in said city; to prohibit and remove all encroachments upon the same in any manner, and to number the buildings. Boundaries of city. Encroachment on streets.

Thirtieth. To license and regulate the keeping of hotels, taverns, and other public houses, grocers and keepers of ordinary saloons, and victualing and other houses or places for furnishing meals, food or drink, and the keepers of billiard tables and pin alleys; also, to license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and regulate auctions, hawking and pawn-brokerage. Hotels. Saloons. Auctions.

Thirty-first. To license and regulate butchers, and the keepers of shops, stalls and stands for the sale of meats, vegetables, and provision of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and prescribe their fares and compensation. Butchers. Draymen. Stands for carriages.

Thirty-second. To regulate the weights and measures used in the city, to appoint one or more sealers of weights and measures, and prescribe the powers and duties thereof, and the penalties for using false weights and measures, not conforming to the standard as established by the laws of this State. Weights and measures.

Thirty-third. To assess, levy, and collect taxes for the purposes of the corporation upon all property made taxable by law, for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same. Taxes on property for corporation purposes.

Thirty-four. To punish all offenders for violations of or offenses against this act, or any by-law or ordinance of the common council, adopted or passed under this or any other act of Punishing all offenders.

Imprisonm't
of convicted
persons.

the Legislature, by holding to bail for good behavior, by (imprisoning) imposing fines, penalties, forfeitures, and costs, and by imprisonment in the jail of Saginaw county, or any jail, prison or work-house of said city, or by either, in the discretion of the court or magistrate before whom such (criminal) conviction may be had. If only a fine, penalty, or forfeiture be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed five hundred dollars. No fine shall exceed three hundred dollars, and no imprisonment shall exceed one year.

Limit of
fines.

Employing
any convic-
ted person in
workhouse.

Thirty-fifth. To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house, or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances, or regulations as they may deem necessary for the safety and good government of the city, and to preserve the health, and to protect the persons and property of the inhabitants thereof. They shall also have power to purchase for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable to agree with the owner or owners for the purchase of such land, they shall have the right to acquire the title to the same for the city, in the manner, and by the proceeding, as near as may be, as is pre-

Necessary
regulations.

Purchasing
land for
cemetery.

scribed in this act relative to laying out or altering streets, lanes, or alleys.

Sec. 15. The common council shall have power to regulate the time and manner of working upon the streets, lanes, and alleys in said city; to provide grading, plaking or paving, and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks, or public grounds in said city; to lay out, open, make, grade, and repair streets, lanes, and alleys, and the same to alter or vacate, and to alter or vacate those already laid out: *Provided*, That before any street, lane, or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to be published in a newspaper published in said city, for three successive weeks, and by personally serving upon each owner residing in said city, or occupant of any lot, or part of lot, contiguous to such street or alley proposed to be altered or vacated, a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel; and no street or alley shall be vacated except upon sufficient cause shown, and with the concurrence of three-fourths of all the aldermen elect. If in laying out or altering any street, lane, or highway, the common council shall require for such purpose the grounds of any person, they shall give notice thereof, to the owner or persons interested, or his, or their agent or representative, by personal service, or by written or printed notices posted in three of the most public places of said city, at least three weeks next preceding the meeting of said common council, for the purposes aforesaid; and the common council are authorized to treat with such person or persons for such grounds or premises; and if such person or persons shall refuse to treat for the same, or the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder of said city to issue *venire facias*, to command the marshal of said city to summon and return a jury

Common council to regulate time of working on streets.

To open streets, lanes, etc.

Proviso.

When street shall be vacated.

Proceedings when private property is taken for streets.

Summoning of jury.

Jury to
assess
damages.

Compensat'n
tendered to
owner.

Proviso.

Ibid.

of twelve disinterested freeholders, residing within said city, to appear before said mayor or recorder, at any place therein to be stated, to inquire into and determine the necessity for using such grounds, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds and premises, which jury, being first duly sworn by said mayor or recorder, faithfully and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire into and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or the parties interested in such ground or premises, for their respective injuries, according to their several interests or estates therein; and the said mayor or recorder shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, or alley shall be made, laid out, altered, or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages, as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do to said mayor or recorder, in writing, within ten days, or in case of the absence of said party from said city, at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said mayor or recorder, as aforesaid: *And provided further*, That the said common council may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, within thirty days after the rendition of such judgment, as aforesaid; such determination on the part of said council to remove said proceedings by appeal as aforesaid, shall be by resolution of said common council adopted by a vote of at least two-thirds of all the alder-

men elect. A notice of such determination to appeal, as aforesaid, together with a certified copy of such resolution, signed by the mayor or recorder, shall, within ten days after the passage of such resolution, be personally served on each and every person, or party interested in such verdict and judgments, residing within said city; and in case any person or persons interested as aforesaid, reside without said city, then said notice, and copy of resolution, shall be published in a newspaper published in the county of Saginaw, for three successive weeks next after the passage of such resolution as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said mayor or recorder, within forty days after the rendition of the judgment aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, and to which such appeal is made, the same proceedings shall be had as is prescribed in other cases of appeal: *Provided*, That the appellant or appellants shall not recover costs in such case unless the judgment in the appellate court shall be ten dollars more favorable to him or them, than the assessment before the mayor or recorder.

Sec. 24. For the purpose of defraying the expense and all other liabilities of the city except the bonded debt thereof, and the interest thereon, and paying the same, the common council may raise annually by tax levied upon the real and personal property within said city, such sums as they may deem necessary, not exceeding two per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax; and the common council may in addition thereto, levy such sum, not exceeding three per cent. of the valuation of the preceding year as they may deem necessary for highway purposes, which shall be raised, assessed and collected on the same roll, and in the same manner as the other taxes. If the said common council shall deem it expedient for the purposes of the city to levy a larger tax than is allowed by this section, they may, by giving ten days notice, by publishing the same in a newspaper published in

Tax; when common council may raise.

Amount of, limited.

When extra, may be raised.

Ibid.

Notice of
meeting to
vote.

said city, and posting a notice thereof in three public places in said city, call a meeting of the inhabitants of said city at some place therein, who may then and there vote to levy, assess, and collect a further money tax upon all the real and personal property in said city in such sum as the meeting shall direct, and such tax shall be levied, assessed, and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not a tax-payer in said city. The mayor of said city shall preside, or in his absence the then acting mayor shall preside at such meeting.

Proviso.

Ward
supervisors;
powers and
duties of.

Sec. 38. The supervisor of each ward shall have and exercise, within his ward, all the powers, authority, and functions of supervisors of townships, as now provided, or as may hereafter be provided by law, except as herein otherwise provided; and each of them, with the controller of said city, shall be members of the board of supervisors of Saginaw county, and as such shall be entitled to the same compensation, and paid in the same manner as other members of said board.

City attorney;
powers
and duties
of.

To conduct
all suits of
the city.

Sec. 54. The city attorney shall appear in and conduct all suits, prosecutions, and proceedings in the recorder's court and in the justices' courts in said city, to which the city of Saginaw is a party, to the end thereof, subject to the rules and practice of said court; and if the same be removed to any other tribunal by writ of error, *habeas corpus*, or otherwise, he shall conduct the case before such tribunal, and shall perform such duties, as attorney, as the common council may require, and shall have a seat in and attend the sessions of the common council, and may discuss all questions and matters which come before the said council, but shall have no vote therein.

To have seat
in sessions
of common
council.

Fines and
penalties;
where paid.

Recorder to
report am't
of, received.

Sec. 67. All fines, penalties, or forfeitures recovered before any of the said justices or the recorder, shall, when collected, be paid into the city treasury; and each of said justices and the recorder shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice or recorder,

the number and names of all persons against whom judgment shall have been rendered, for such fine, penalty, or forfeiture, and all moneys by him received for, or on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty, or forfeiture, shall be paid into the city treasury on the first Monday of each and every month during the time such justice or recorder shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed as hereinafter provided.

Sec. 68. Any justice of the peace, and the recorder of said city, may be suspended or removed from his said office by the circuit court for the county of Saginaw, for neglect or refusal to pay over, as required by law, any moneys by him collected for, or on account of any fine, penalty, or forfeiture, or the unfaithful or insufficient performance of his duties in relation to the internal police of the State, or for any official misconduct, on charges specially preferred by said common council of said city, or any member or any officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specially stating the charges complained of, a copy whereof shall be served upon him, in such manner as said circuit court shall direct, and opportunity shall be given him to be heard in his defense.

When justice of the peace and recorder may be removed from office.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1869.

[No. 306.]

AN ACT to revise the charter of the village of Wenona.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of Bangor, in the county of Bay, and State of Michigan, as is embraced in the following described lands, to wit: Entire section twenty, and all of section twenty-one lying west of Saginaw river, the same being in town fourteen north, of range five east, be and the same is hereby made

Boundaries.

and constituted a village corporate, by the name and title of the village of Wenona.

Officers, and
terms of
office.

Sec. 2. The elective officers of said village shall consist of a president, recorder, treasurer, assessor, and six trustees, to be elected by a plurality of votes, by ballot, of the inhabitants of said village having the qualification of electors under the constitution of this State; and said officers shall hold their offices for the term of one year, and until their successors are elected and qualified: *Provided*, That no person shall be elected who has not the qualification of an elector of this State and resided in this village three months.

Proviso.

Body cor-
porate and
politic.

Sec. 3. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and designated by the name and title of "The Common Council of the Village of Wenona," and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts of this State, and of any other place whatever, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of said corporation.

Inspectors
and clerk of
election.

Sec. 4. All elections held in said village, under the provisions of this act, shall be under the control of the common council of said village, who shall act as a board of inspectors of such election, and the recorder of said village shall be clerk of said board: *Provided*, That any three members of the common council may constitute such board of inspectors, and such board shall conduct such elections strictly in conformity with the laws of this State, and certify the result thereof.

Proviso.

Time of
opening
polls.

Sec. 5. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall remain open until four o'clock in the afternoon, and no longer;

and the name of each elector voting at such election shall be Poll list. written in a poll list, to be kept by the clerk of the board of inspectors thereof; and after closing the polls of such election, Canvass of votes. the board of inspectors shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of names contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess, and if two or more of the ballots shall be found folded together, they shall not be counted; and thereupon the board of inspectors shall proceed, immediately and publicly, to canvass the votes given at such election, and shall complete said canvass on the same or next succeeding day, and shall upon the completion of said canvass, publicly declare the votes given to the respective candidates, and make out and file in the office of the recorder of said village a certificate thereof, within two days after the close of said canvass; and the person having the greatest number of votes for any office shall be declared duly elected to such office; and if two or more persons shall have an Tie; how decided. equal number of votes for the same office, the board of inspectors of such election shall prepare as many slips of paper of equal size, as there are persons having an equal number of votes, and shall note the name of one of such persons on each slip and put the same together in a box, and one of the said board shall be blind-folded and proceed to draw from said box the said slips of paper, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Sec. 6. It shall be the duty of the recorder of said village to Notice of time and place of holding election. give six days' notice, in writing or printing, to be posted up in three of the most public places in the village, of the time and place of holding all elections, both annual and special; and no Who may vote. person shall be permitted to vote at any such election unless he has resided within the corporate limits of said village ten days. The recorder shall notify all persons of their election, and to what office they are elected, within five days after the

Proviso.

Officers to
take oath.

election: *Provided*, Their name does not appear on the poll list; and each of the officers so elected and notified, shall take and subscribe the official oath prescribed by the constitution of this State, and cause such oath to be filed with the recorder, within ten days after his election. If the qualifications of any person offering to vote at such election shall be questioned, the same shall be determined by the board of inspectors, and upon examination of such person thereto, upon his oath, which may be administered by any member of the board; and any person who shall knowingly swear falsely upon such examination, shall be deemed guilty of perjury, and upon conviction thereof, shall be liable to the punishment provided for that crime by the laws of this State.

Council to
appoint cer-
tain officers.

Sec. 7. The common council shall appoint, annually, a village attorney, a village marshal, and a street commissioner; and the common council may appoint one or more policemen, and all such other officers whose election is not specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties, but any such appointments shall be made at the regular meetings of the common council.

All officers
to take oath
and give
bond.

Sec. 8. All officers appointed under the provisions of this act shall, within ten days after notice of their appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully discharge the duties of his office to the best of his ability, and file the same with the village recorder; and every such officer, before he enters upon the duties of his office, and within the time limited for filing his official oath, shall file with the village recorder such security for the due performance of the duties of his office as may be required by the common council, which shall be approved by the common council.

Treasurer to
give bond.

Sec. 9. The treasurer of said village shall, within the time limited for filing his official oath, give to the common council a bond with two or more sureties, in such amount as shall be

fixed by the common council, for the faithful discharge of the duties of his office, and such surety shall be made satisfactory to the said common council.

Sec. 10. The common council shall have power to remove the marshal or any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council: *Provided*, That no officer shall be dismissed until he has been cited to appear before the council to answer such charges as may be preferred against him: *Provided further*, That all the proceedings for the dismissal of any officer shall be spread in full upon the records of the council.

When council may remove marshal.

Proviso.

Ibid.

Sec. 11. It shall be the duty of the president to preside at all meetings of the common council, and in case of his absence the common council may choose one of its members as president *pro tempore*.

Village officers; powers and duties of president.

Sec. 12. The village recorder shall safely keep the corporate seal, and all the books, papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of said village, shall be evidence in all places, of the matter therein contained; and he shall keep an account, in books provided for that purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasurer, which account shall specify the purpose for which such orders were drawn.

Recorder.

Sec. 13. The village treasurer shall collect all money raised by tax, and have custody of the same, together with all other sums of money belonging to the village, and shall keep an account of all receipts and disbursements thereof, and from whom received, and to whom paid, and shall pay no money out of the treasury except upon orders signed by the president

Treasurer.

and recorder; and he shall exhibit to the council, as often as may be required, a full and detailed account of all receipts and expenditures, and shall also, when required, submit a general statement, showing the financial condition of the treasury, and all of the matters relating to his office.

Attorney. Sec. 14. The village attorney shall act as attorney and counselor for the common council of said village, and appear for said common council in all courts in which the village is a party to any suit, and perform such other legal duties as the common council may assign to him.

Marshal. Sec. 15. The marshal shall be police constable, and in case of the appointment of other policemen, shall be chief of police; and he shall have power to serve any paper that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees and compensation, and subject to the same liabilities as constables in the discharge of their duties, under the laws of this State.

Compensat'n of officers. Sec. 16. The president and trustees shall each receive two dollars per day for services rendered by them as inspectors of election, and when determining what persons are elected to office, and for each and every meeting of the common council that they may attend they shall be entitled to receive fifty cents; the treasurer shall receive two per cent. upon all money collected by him, and a salary not exceeding twenty-five dollars per annum, and shall receive no further compensation whatever; the recorder shall receive a salary not exceeding seventy-five dollars per annum, to be fixed by the common council; the village attorney shall receive a salary not to exceed two hundred dollars per annum, to be fixed by the common council; the assessor, marshal, street commissioner, policemen, and all other officers that may be appointed by the common council, shall receive such compensation as the common council may direct.

Resignat'ns; how to be made. Sec. 17. The resignation of any officer authorized by this act, elected or appointed, shall be made to the common council, subject to their approval or acceptance.

Sec. 18. If any officer elected or appointed to any office of this corporation shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected shall neglect to file their oath of office, as in this act directed, or neglect to file an official bond, when the same is required, to the satisfaction of the common council, within the time herein limited, such neglect may be deemed a refusal to serve; and, in case of such neglect, the common council may proceed immediately to cause such vacancy to be filled by appointment: *Provided*, That no elective officer shall be appointed without a three-fourths vote of the common council.

Vacancies;
how filled.

Proviso.

Sec. 19. The president, recorder and trustees, being and constituting the common council as hereinbefore set forth, a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint.

Common
council;
quorum of

Sec. 20. No member of the common council shall be directly or indirectly interested in any contract, as principal or surety, for the construction of any street, bridge, sidewalk, sewer, or any other public improvement wherein the consideration is to be paid by said village, or become surety for the performance of any official duty to be done or performed by any persons elected or appointed to office under the provisions of this act.

Members of,
not to be-
come surety
or be inter-
ested in any
contract.

Sec. 21. The common council shall have power to impose, levy, and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at its meetings, and also to require the attendance of any of the officers of said village, at any of its meetings, and to impose fines for non-attendance.

May impose
fines.

Sec. 22. In the proceedings of the common council, each member present shall have one vote, and when there shall be a tie, the president shall give the casting vote; whenever required by two members, the vote of all the members of the common council in relation to any act, proceeding, or proposition had at

In meetings
of, each
member to
be entitled to
one vote.

any meeting shall be entered at large in the minutes; and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of committee, or other act for taxing or assessing any property in said village, or the citizens thereof.

May pass
laws relative
to—

Highways.

Sec. 23. The common council shall prescribe the rules for its proceedings; the common council, in addition to the powers and duties specially conferred on them in this act, shall have the control, management, and supervision of the highways, streets, bridges, lanes, alleys, parks and public grounds in said village; of the finances, rights and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said village, to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws and regulations, as they deem desirable and proper, within said village, in relation to and for the following purposes:

Vice.

Vagrants.

Drunkards.

First. To prevent vice and immorality; to preserve public peace and good order; to prevent and quiet riots, disturbances and disorderly assemblages; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets and other places;

Houses of
ill-fame.

Second. To suppress and restrain disorderly houses and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to regulate, restrain, or suppress billiard tables and bowling alleys;

Liquors.

Third. To prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor or apprentice;

Auctions.

Fourth. To prohibit and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law;

Fifth. To license and regulate auctioneers, peddlers and pawn-brokers, auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets;

Sixth. To prohibit, restrain, license, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money;

Seventh. To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business, to be closed on the Sabbath day, and at reasonable hours of the night on week days;

Eighth. To prohibit, prevent, abate, and remove all nuisances in said village, and to punish the person occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village, at the expense of the person creating the same;

Ninth. To compel the owner or occupant of any grocery, butcher-shop or stall, slaughter-house, fish-house, stable, barn, cellar, privy, yard, hog-pen, manure-pile, sewer, or other offensive, nauseous, or unwholesome place, house, or thing, to cleanse, remove, or abate the same, whenever the common council may deem it necessary for the health, comfort, and convenience of the inhabitants of said village;

Tenth. To direct the location and regulation of slaughter-houses in said village, and to prohibit the location of the same within the limits of said village;

Eleventh. To regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations, which the common council may deem unsightly, dangerous, or injurious, in such places and parts of the village as the common council may designate;

Twelfth. To regulate the buying, selling, and using of gun-powder, fire-crackers and fire-works, and other combustible

materials; to regulate and prohibit the exhibition of fire-works, discharge of cannon, anvils, fire-crackers, or any species of fire-arms whatever, and to restrain the making and lighting of fires in the streets, or other open places in said village;

Incumbering
of streets.

Thirteenth. To prevent the incumbering or obstructing of streets, sidewalks, cross-walks, alleys, gutters, sewers, water-courses, bridges, and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of, and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction;

Shade trees.

Fourteenth. To regulate and require the setting and securing of shade trees in the streets of said village;

Fast
driving.

Fifteenth. To provide against horse-racing and immoderate driving or riding in any street, or over any bridge, and to punish for the same, and to authorize the arrest and detention of any person who shall be guilty of immoderate driving or riding;

Wharves.

Sixteenth. To establish, construct, control, lease, and regulate wharves or docks at the end of streets, and on lands belonging to said village;

Pounds.

Cattle.

Seventeenth. To establish one or more pounds, and regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese, or other poultry, in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same, for the penalty incurred, and the cost of keeping and impounding, and to punish for rescuing the same, before all costs and charges are paid;

Ringling
bells.

Eighteenth. To regulate the ringing of bells and crying of goods, and to prevent disturbing noises and obscene and profane language in the streets;

Lighting
streets.

Nineteenth. To provide for lighting streets, and the protection of the public lamps;

Muzzling
dogs.

Twentieth. To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of said village;

Twenty-first. To regulate and establish the line on which any ^{Building lines.} building may be erected upon any street in said village, and to compel such building to be erected on such line;

Twenty-second. To establish, order, and regulate markets; to ^{Markets.} regulate the vending of meats, vegetables, fruit, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of fire-wood;

Twenty-third. To license all dray and omnibuses, hacks, and ^{Hacks, etc.} other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to prescribe rates of fare and charges for the same, and to revoke licenses for violation of any ordinance of said village;

Twenty-fourth. To license persons to engage in and exercise ^{Tavern keepers.} the business or occupation of tavern keeper, inn-holder, common victualer, and saloon keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaged in such occupation or business without such license: *Provided*, That no such license shall ^{Proviso.} authorize the sale of liquor;

Twenty-fifth. To appoint a sealer of weights and measures; ^{Weights and measures.}

Twenty-sixth. To establish fire districts, within which no ^{Fire districts.} wooden buildings shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain;

Twenty-seventh. To regulate and prescribe the manner of ^{Chimneys and fire-places.} constructing chimneys and fire-places, the putting up of stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and for ^{Examining buildings.} the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings, and tenements of

every description, and all lots, yards, and enclosures, to inspect all fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and to remove and make the same safe at the expense of the owner or occupants of the building in which the same may be; and every building or structure that shall be constructed, moved, or enlarged in violation of or contrary to any ordinance of said village is hereby declared to be a common nuisance, and may be abated, taken down, and removed by direction of the common council, at the expense of the owner or occupant, or persons who caused such nuisance;

Lumber
yards.

Twenty-eighth. To prohibit the maintaining of lumber yards, the keeping, piling, and storing of fire-wood, timber, lumber, or other easily combustible material within the limits of any fire district;

Reservoirs,
drains, etc.

Twenty-ninth. To construct reservoirs wherever needed, and to provide for supplying the same with water; to build bridges; to construct sewers, drains, culverts; to provide wells; to grade, gravel, pave, plank, repair, amend, and otherwise improve the streets, alleys, public grounds, and parks in said village; to

Renewing of
sidewalks.

construct, repair, and renew sidewalks, and shall cause the expense of grading for, and making, repairing, and renewing such sidewalks, to be assessed on lots adjoining such improvements or otherwise, according to the benefits accruing to the property taxed; to remove all encroachments from any street, lane, alley, public ground or place in said village; to fill up, drain, cleanse and regulate any grounds, yards, basins, cellars, or vaults within said village that may be sunken, damp, foul, incumbered with rubbish or unwholesome, and to make such public improvements as may conduce to the general good and prosperity of said village or any part thereof; and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village.

Public im-
provements
generally.

Council may
organize fire
companies.

Sec. 24. The common council shall have power to maintain, establish, and regulate all such fire engine, hook and ladder, hose and bucket companies, as may be deemed expedient, and

shall provide such companies with fire engines, and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hook and ladders, and other instruments and implements in its charge, in good order and perfect repair; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in its charge, with a view of keeping the same in perfect order and repair; and upon any alarm and breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire with the engine and other implements of the company, and be subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department.

Appoint
members of.

Company
to keep
engine and
apparatus in
good repair.

Sec. 25. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, subject to the order of the common council, and also a first and second assistant engineers, either of whom may act as chief engineer in case of the absence or disability of the chief.

Chief en-
gineer and
assistants.

Sec. 26. The chief engineer, marshal, and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements he shall be punished as provided by

May require
assistance
of bystanders
at fires.

the by-laws or ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Firemen
exempt
from poll
tax and jury
service.

Sec. 27. Every person belonging to an organized fire company in said village, may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said village.

Common
council may
lay out and
open streets.

Sec. 28. The common council shall have power to lay out and establish, open and extend, widen, straighten, alter, close, vacate and improve such streets, highways, alleys, water-courses, squares, parks, and market places in said village as they shall deem necessary for the public good and convenience; and if, in opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purposes for which the same are to be used, and that the common council will meet on some day named in the resolution, to take action in regard to the matter; and notice of such meetings shall be given to the owners or parties interested, or his, her or their agent, agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in a newspaper published in said village if any there be, at least once in each week for three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such land or premises, or if, for any other cause, there shall not be an agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct or cause any justice of the peace

To notify
owners when
private prop-
erty is to be
taken.

To negotiate
with owner.

To summon
jury in case
of refusal to
settle.

in the township of Bangor to issue a precept, under his hand, in the nature of a *venire facias*, directed to the marshal of said village, commanding him to summons a jury of twelve disinterested freeholders of said township, to appear before such justice of the peace of the township of Bangor, at the time therein to be stated; and in case of refusal of said jurors named in the *venire facias*, after being duly summoned to appear before said justice, he shall have power to issue an attachment to bring them before him in the same manner as is provided for justices of the peace in civil cases by the laws of this State, or may authorize the said marshal to summon talesmen to complete said jury; and said jurors are hereby authorized to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury, being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such award, enter judgment confirming the same; and the sum or sums so awarded, together with his, her, or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons or claimant, before such street, highway, alley, water-course, square, market place or public park shall be made or opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises, or property to be immediately converted to and

Jury to assess damages.

Compensation tendered to owner.

Claimant to pay costs if not entitled to damages.

Proviso.

for the use and purposes aforesaid: *Provided*, That the party claiming damages may have the right to remove such proceedings, for the purpose of increasing the damages or amount aforesaid, by appeal to the circuit court for the county of Bay, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, alley, square, water-course, market place or public park, as aforesaid; and upon filing in said court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in cases of appeals from justices' courts: *Provided further*, That if final judgment for damages shall not exceed the damages assessed before the justice, at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal.

Ibid.

Council
authorized to
levy taxes.

Sec. 29. The common council shall have power to raise by general tax, exclusive of highway, poll, sidewalk, and live oak grade tax, as hereinafter provided for, upon the taxable inhabitants of said village, and upon the taxable property therein, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per centum upon the assessed valuation, to defray the general expenses of the corporation, and to carry into effect the several powers and provisions of this act.

Sec. 30. The common council shall have the power to levy a ^{ibid.} highway tax upon all the real and personal property liable to taxation in said village, not exceeding in one year one-half of one per centum upon the assessed valuation of such property, to be expended exclusively upon highways, streets and alleys of said village, as the common council may direct.

Sec. 31. The common council shall have power to levy and ^{Poll tax; how collect'd} cause to be collected in each and every year, a poll tax of one dollar upon every male inhabitant of said village between the ages of twenty-one and fifty years, except paupers, idiots, lunatics, and others excepted by the laws of this State; and the common council may make such by-laws and ordinances to compel the payment of the same, as they may deem proper, and is not in violation of the constitution and general laws of this State; and all money collected by virtue of this act shall be used and considered as a part of the highway fund.

Sec. 32. The assessor of said village shall once in each year, ^{Assessment roll; contents of.} and on or before the second Monday in May, make an assessment roll containing a description of all the property, real and personal, liable to taxation in said village, and the name of the owner or occupant thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns, and on separate lines.

Sec. 33. The assessor, immediately after the completion of ^{Assessor to give notice of.} the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice by posting in at least six public places in said village, that on a certain day, and at a certain place in said village therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment, may be heard.

Sec. 34. The assessor, recorder, and village attorney shall ^{Board of review; who to constitute} constitute a board of review, and at the time and place mentioned in said notice, shall receive the complaints of any persons deeming themselves aggrieved by such assessment, and if it

shall appear that any person has been wrongfully assessed, they shall alter such assessment roll, as shall appear to them to be just and proper.

Assessor to
certify roll
to council.

Sec. 35. Immediately after the expiration of ten days, and after the review of the assessment roll, as aforesaid, the assessor shall certify the said roll under his hand to the common council of said village, and the common council shall thereupon, after an examination of said roll, certify the same back to the assessor with the amount of general and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for the making, changing, or repairing sidewalks, as provided for in the twenty-ninth clause of section twenty-three of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and recorder of said village.

Assessor
to complete
roll.

Sec. 36. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down in two separate columns, opposite the several sums set down as the value of the real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots as an assessment for special work done, or to be done under the twenty-ninth clause of the twenty-third section of this act, to be paid by the owner or owners or parties interested in such real estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Treasurer to
receive roll,
with orders
to collect.

Sec. 37. The assessor shall, on or before the first day of July of the same year, cause said assessment roll certificate, to be made under his hand, to be delivered to the village treasurer,

with a warrant annexed thereto under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums set opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with costs and charges of such distress and sale, and directing him to have such sums collected by a certain day therein named, not more than forty days from the date of said warrant. Distress and sale.

Sec. 38. The common council, on application of the treasurer, Warrant renewed. may renew said warrant from time to time.

Sec. 39. The treasurer, upon receiving the tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the treasurer is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, whenever found within said village, together with the costs and charges of such distress and sale; and he may take any property that can be taken by township treasurers in the collection of taxes, and he shall give the same notice, and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the general laws of this State. Proceedings when own'r's refuse to pay tax.

Sec. 40. At the expiration of the time mentioned in the warrant annexed to said tax roll, and the time for which said Unpaid taxes; how collected. warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the treasurer shall be unable to collect the same, he shall make on said roll, or permanently attach thereto a statement, in writing, under oath, of all taxes remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so levied have not been paid; and further, that he has not been able to

collect the same, nor upon diligent inquiry, able to discover any goods or chattels subject to levy, belonging to the person charged with, or liable to pay such tax, and shall deliver such statement and tax roll to the recorder of said village within five days thereafter.

Sale of lands
for taxes.

Sec. 41. The recorder shall, after such statement and tax roll have been delivered to him, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some public place in said village, said lands, or a sufficient amount thereof to pay said returned taxes; and in case a less amount than the whole tract returned is sold for the payment of such taxes, the same shall be taken, as provided by general laws governing tax sales, from the northern portion thereof, returned in said statement, on account of the non-payment of

Notice of.

the taxes thereon, first giving at least thirty days' notice of the time and place of said sale, by publishing the same at least four weeks, and once in each week, previous to said sale, in some paper published in Bay county, which notice or advertisement shall contain a description of the land, and the names of the owners, if known, and the amount of taxes and expense,

Proceedings
on day of
sale.

for non-payment of which it is to be sold; and on the day mentioned for said sale, he shall commence the sale of said lands, and continue the same until the said lands shall be sold; and the recorder shall give the purchaser or purchasers of any such lands sold, a certificate, in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That

proviso.

if any parcel of land cannot be sold to any person for said taxes and expenses, the recorder shall bid off the same for the common council of said village, and shall give a like certificate of such sale, which shall have like effect, in all respects, as if the same had been given to any other purchaser therefor; upon

Recorder to
deliver state-
ment of sale
to treasurer.

completion of such sale, the recorder shall deliver to the treasurer of said village a statement thereof, containing a description of the land sold, the date of sale, the particular tax, and

the amount for which the same was sold, and the name or names of the purchasers, which statement shall be preserved and transcribed by said treasurer in a book to be provided for that purpose; and all money received upon such sale he shall, at the same time, deliver to said treasurer.

Sec. 43. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year How lands may be redeemed. next succeeding the day of sale, redeem such land or interest therein, by payment to the treasurer of said village, the amount of taxes and all charges for which such land was sold, and interest on said taxes and charges at the rate of twenty per cent. per annum from the date of sale, but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment, a certificate of redemption thereof.

Sec. 44. Upon presentation of any such certificate of sale to the recorder of said village, after the expiration of the time for Conveyance; when may be executed. the redemption of the lands sold as aforesaid, he shall, unless such lands have been redeemed as aforesaid, or the certificate of sale canceled, as hereinafter provided, execute to the purchaser or purchasers, his, her, or their heirs or assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made, an estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings When used as evidence. were regular, and according to the provisions of this act, from the time of the valuation of said property to the date of the deed, inclusive; and every such conveyance executed by the recorder, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in all the courts of this State, in the same manner and with like effect as any other conveyance of real estate, or any interest therein.

Sec. 45. The common council may, upon satisfactory proof, Common council may cancel. upon oath, of the payment of any tax upon real estate, and the

same has been returned wrongfully for non-payment, by mistake or otherwise, cause the certificate of sale to be canceled at any time before conveyance is made, and order the return of the purchase money; and in case of the redemption, as hereinbefore provided, for any lands, the common council shall direct the treasurer to pay over to the purchaser all moneys received on said redemption, and the charges in consequence of non-payment and sale.

Justices of
the peace;
powers and
duties of.

Sec. 46. Any justice of the peace of said township of Bangor is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council, in pursuance of the powers granted by this act, and to punish the offenders as shall, by the said laws or ordinances, be prescribed or directed; and any such justice of the peace of said township shall have power to hear, try, and determine all charges, complaints, actions, and prosecutions for the recovery or enforcing of any and all fines, penalties, and forfeitures for alleged violations or infringement of the said by-laws or ordinances, or of any provisions of this act, except in cases where the jurisdiction belongs to some other court; the proceedings in all such prosecutions shall be according to and be governed by the general laws of this State, applicable to courts of justices' of the peace.

Offenders
entitled to
jury trial.

Sec. 47. In all trials before any officer, under the provisions of this act, of any person charged with any offense, or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace, provided by general laws of this State; and in all cases the right of appeal and *certiorari* from the justices' court to the circuit court of the county of Bay, shall be allowed to the parties on the same terms, and the same bond shall be given as is

Right of
appeal.

or may be required by law in any cases of appeal or *certiorari* from justices' courts in other cases.

Sec. 48. Whenever a conviction is had or a judgment rendered for any fine, penalty, or forfeiture for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit, and execution therefor may be issued immediately on rendition of judgment, and shall command the amount to be made of the property of the defendant, if any such can be found within the county of Bay, and if not, then to commit the defendant to jail, if it be so adjudged, according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted, by judgment of any justice of said town, he may and shall issue the necessary process to carry such judgment into effect: *Provided*, That such justice may, if he shall so determine, commit such defendant to jail without issuing execution against his goods and chattels, if such fine is not paid immediately on rendition of judgment.

Fines and penalties; how may be collected.

Proviso.

Sec. 49. The common council shall have power to impose fines, penalties, and forfeitures, not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending against, or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof; and it is hereby made the duty of the keeper of the county jail of Bay county to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such persons may be sentenced to confinement in the Detroit house of correction.

Limitation of.

Sec. 50. Whenever by the provisions of this act, any power or authority is given, or duty imposed upon the common council, the common council may enact such ordinances and establish such rules and regulations as may be necessary to carry into effect such powers and authority, and regulate the performance of such duties.

Power of council to carry out authority given them.

Sec. 51. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in

Suits; how brought

pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of "the people of the State of Michigan;" and in any such suit or prosecution, it shall not be necessary to set forth in the complaint or warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation, or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of Wenona, referring thereto by its title; and all processes issued by any justice of the peace in any such suit or proceeding, shall be directed to the marshal of the village of Wenona, and the same may be executed within the counties of Bay or Saginaw.

All process
to be direct'd
to marshal.

Style of
ordinances.

Proviso.

Ibid.

All fines
collected to
be paid to
treasurer.

Sec. 52. The style of all ordinances shall be: "The Common Council of the Village of Wenona ordain." The time when any by-law or ordinance passed by the common council shall take effect shall be prescribed therein: *Provided*, That no by-law or ordinance passed by the common council shall be operative until the same shall have been published one week in a newspaper printed and published in said village, or by written or printed notices posted up in three of the most public places in said village; and like notices shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution and laws of this State.

Sec. 53. All fines, penalties, and forfeitures recovered for any violation of the provisions of this act, or of the by-laws and ordinances made in pursuance thereof, and all money received for license or from other sources, belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and by him placed to the credit of the general fund; and any person who shall refuse or neglect to pay the same, as aforesaid,

shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 54. In suits or proceedings in which the common council of the village of Wenona shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be only in common with the inhabitants of said village. Citizens competent as jurors. Proviso.

Sec. 55. The common council shall, in the month of February in each year, cause to be made and published a just and true statement of all money received and expended by them in their corporate capacity, during the preceding year, previous to which they shall audit and settle the accounts of all officers and persons having claims against said village, or accounts not previously audited, and shall make out in detail a statement of all receipts and expenditures, which statement shall specify all appropriations made by the common council, and the object and purpose for which the same were made; the amount of money expended under such appropriation; the amount of taxes raised; the amount expended on streets; and such statement shall be placed on file in the recorder's office, subject to inspection at all times by the citizens of said village. Annual statement.

Sec. 56. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths. Accounts to be verified by affidavit.

Sec. 57. The common council may borrow, for the time being, in anticipation of the receipts from taxes, such sums as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instru- When council may borrow money

ments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*,
 Proviso. That the council shall not borrow to exceed one thousand dollars for such purpose, unless authorized to borrow a greater amount by a majority vote of the qualified electors of said village, at their annual village election: *And provided further*,
 Ibid. That no greater amount than five hundred dollars of the principal thereof shall be made to become due in any one year.

Village to pay expenses of person in jail. Sec. 58. Whenever any person shall be committed to the common jail under the provisions of this act, the said village shall be liable to the keeper of said jail for all board and expense of keeping said person during the time he may remain in the custody of said keeper: *Provided*, That such person is not committed for violation of a by-law or ordinance of said village, which act, if complained of, would subject the offender to a penalty or forfeiture under the general laws of the State; but in such cases the board of supervisors of Bay county shall audit and allow the charges of said jailor in the same manner as they would had said offender been tried and convicted under the general laws of the State; and the processes of commitment under the hand of any justice of the peace of said township of Banger, shall be sufficient evidence for the said board of supervisors to determine whether said offense would have subjected the offender to punishment under the general laws.

Township supervisor not to levy tax in village. Sec. 59. It shall not be lawful for the supervisor of the township of Bangor to levy or assess any highway tax upon the taxable property of said village, nor shall the inhabitants thereof be liable to perform any highway labor, excepting such as is ordered by the common council of said village.

Acts repealed. Sec. 60. All acts and parts of acts, heretofore enacted in regard to the village of Wenona, shall be and the same are hereby repealed: *Provided however*, That repealing of said laws shall not affect any act already done, rights accrued or acquired, if not inconsistent with the provisions of this act, but the same shall remain as valid, and be proceeded in as if the same laws hereby repealed had each of them remained in full force; and

all ordinances, by-laws, and rules now in force in said village, and not inconsistent with this act, shall remain in full force until repealed or amended by the common council of said village.

Sec. 61. The election of all officers, under the provisions of ^{Election; when shall} this act, shall be on the first Tuesday in March, in each year: ^{be held.}

Provided, That the neglect to hold any election on the first ^{Proviso.} Tuesday of March, A. D. 1869, shall not be deemed to work a

dissolution of said corporation, but in such case, if the inhabitants of the present village of Wenona shall hold an election under the provisions of the existing charter of said village, and the officers elected at such election shall qualify and enter upon the duties of their respective offices under the provisions of said charter, they shall have, and are hereby vested with all powers, and shall be subject to all the liabilities that they would have, if elected under the provisions of this act: *Provided*, That the ^{Ibid.} treasurer of said village so elected shall file his official bond as required by the provisions of this act.

Sec. 62. This act shall take immediate effect.

Approved March 20, 1869.

[No. 307.]

AN ACT to revise and amend an act entitled "An act to revise and amend an act entitled an act to incorporate the city of Bay City," approved March 21st, 1865, being act number three hundred and forty-eight, of the session laws of this State for the year 1867.

SECTION 1. *The People of the State of Michigan enact*, That an ^{Act amended.} act entitled "An act to revise and amend an act entitled an act to incorporate the city of Bay City," approved March 21st, 1865, being act number three hundred and forty-eight, of the session laws of this State for the year 1867, be and the same is hereby amended so as to read as follows: That so much of the townships of Portsmouth and Hampton, and of the other ter-

Boundaries. ritory in the county of Bay, in the State of Michigan, as is included in the following limits, to wit: Beginning at a point in the middle of Saginaw river, where a line drawn along the north boundary line of the incorporated village of Portsmouth, (being the south line of Saginaw street in Farmer's plot of Portsmouth,) if extended westerly, would cross the center of said river; thence easterly parallel with the south line of section twenty-nine and the south line of sections twenty-eight and twenty-seven, to a point in section thirty-four, directly south of the quarter post on the said south line of said section twenty-seven; thence north on the quarter line of said section thirty-four, and sections twenty-seven, twenty-nine, and fifteen, to the center of Saginaw river; thence southerly along the center of said Saginaw river to the place of beginning, be and the same is hereby set off from said townships of Portsmouth and Hampton, and declared to be a city by the name of Bay City; and by that name may sue and be sued, implead and be impleaded, complain and defend in any court of record or place whatsoever; may have a common seal and alter it at pleasure; and may take, hold, purchase, lease, convey, and dispose of any real, personal, and mixed estate, for the use of said corporation.

Body corporate and politic.

Divisions of city. Sec. 2. Said city shall be divided into five wards. The first ward shall include all that portion of the said city lying north of the continuous line of the center of Second street. The second ward shall include all that portion of said city lying between the continuous line of the center of Second street and the continuous line of the center of Centre street. The third ward shall include all that portion of the said city lying between the continuous line of the center of Centre street and the continuous line of the center of Tenth street. The fourth ward shall comprise all that portion of said city lying between the continuous line of the center of Tenth street and the continuous line of the center of Fifteenth street. The fifth ward shall comprise all that portion of said city lying between said last mentioned line, and the south line of said city, as hereby established.

First ward.

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sec. 3. The following officers of the corporation shall be elected at the annual city election, on a general ticket, by the qualified electors of the whole city, viz: A mayor, one comptroller, who shall be *ex officio* assessor of the city; one recorder, who shall be *ex officio* a member of the board of supervisors of the county of Bay; one treasurer, who shall be *ex officio* collector, and three justices of the peace, as follows: The mayor and treasurer shall be elected annually, and hold their office for one year, and until their successors shall be elected and qualified; the recorder in each alternate year, and shall hold his office for two years, and until his successor shall be duly elected and qualified; and one justice, annually, who shall hold his office for the term of three years, and until his successor shall be elected and qualified, and whose term of office shall commence when he shall be elected and qualified according to the provisions of this act, and whose powers, duties, and liabilities shall be the same as justice of the peace of the townships of the said county of Bay. The comptroller shall be elected at the annual election in eighteen hundred and sixty-nine, and at the annual election every second year thereafter, and who shall hold his office for two years, and until his successor shall be elected and qualified.

Officers;
when elected

Terms of
office.

Sec. 4. At the annual election to be held in said city in the year eighteen hundred and sixty-nine, there shall be elected two aldermen in each ward, by the electors thereof, one of whom shall hold his office for the term of one year, and the other for the term of two years, and until their successors shall be elected and qualified; and the term for which the person voted for is intended, shall be designated on the ballot; and at each annual election thereafter to be held, one alderman shall be elected in each ward by the electors thereof, who shall hold his office for the term of two years, and until his successor shall be elected and qualified. At each annual election there shall be elected in each ward, by the electors thereof, one supervisor and one constable, who shall hold their offices for the term of one year,

Officers
elected at an-
nual elect'ns
and their
terms of
office.

Aldermen.

Supervisors
and consta-
bles.

and until their successors shall be elected and qualified; each of the said supervisors shall be the supervisor of the ward for which he is elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as in this act otherwise provided.

Annual
elections;
time of.

Notice of.

Inspectors
and clerk of
election.

Absence of;
how filled.

Manner of
conducting
elections.

Proviso.

Council to
determine
what per-
sons are
elected.

Sec. 5. The annual election under this act shall be held on the first Monday of April of each year, at such place in each of the several wards as the common council may designate. Notice thereof shall be given by the recorder at least eight days before the election, by publishing the same in some newspaper published in said city. The aldermen and supervisor of each ward shall be inspectors of such election, and they shall also be inspectors of the State and county elections, and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, or if no inspectors have been elected or appointed, the electors present may choose *viva voce* from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace. The manner of conducting all elections, and canvassing the votes, and qualifications of electors in the several wards, shall be the same as that of townships, the word "ward" instead of "township" being used in the oath to be administered to an elector, in case his vote shall be challenged: *Provided*, That at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon Thursday next following the day of such election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such

determination, to cause notice to be given to each of the persons elected, of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, Recorder to notify officers of their election. That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive, for the same office, an equal number and not a plurality of votes given at such elections, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, which shall be considered elected to such office. In case any of the officers elected shall neglect, for the term of ten days, to qualify as aforesaid, the office shall thereby become vacant. Proviso. Tie; how decided. When any office shall become vacant.

Sec. 6. The mayor, recorder, and aldermen, when assembled together and organized, shall constitute the common council of Bay City, and a majority or the aldermen elect, with the mayor or recorder, shall be necessary to constitute a quorum for the transaction of business, (but a less number may adjourn from time to time,) and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint. The common council shall have power to send for and compel the attendance of any of their members, and to impose, levy, and collect such fines as they may deem proper, not exceeding five dollars for the non-attendance at any meeting, of any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings of the same, but shall have no right to vote on any question; and in case of the absence of the mayor or recorder from the meeting the members present may appoint a president or recorder *pro tempore*. Common council; who to constitute quorum of. How summoned to meet. May compel attendance of members at meetings. Mayor to be presiding officer.

When mayor may vote. The mayor, or in his absence, the recorder, shall not be entitled to a vote, except in case of a tie, and no alderman shall be allowed to vote on any question in which he has a direct personal interest, but upon all other questions he shall vote.

Common council; powers and duties of. May appoint certain officers.

When members of, may be removed.

Removal; reasons for, to be given.

Proceedings for the removal of any officer.

Resignations; how to be made.

Sec. 7. The common council shall have power to appoint an attorney, a street commissioner, a director of the poor, a marshal, a chief and one or more assistant engineers for the fire department, and such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove from office any of its own members, or any other officer holding office by election, except the mayor, recorder, and justice of the peace, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, or for any violation of any of the ordinances of the common council, by a vote of two-thirds of all the aldermen elect; and in such case the reason for removal shall be entered in the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by said council unless first furnished with a copy of the charges against him in writing, and allowed to be heard in his defense with aid of counsel; and the common council shall have power to issue subpoenas to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within twenty days after service of a copy of the charges, to hear and determine the same. If such officer shall neglect to appear and answer to such charges, his default may be deemed good cause for removal.

Sec. 8. Resignations of office shall be made in writing to the common council and subject to their approval and acceptance. In case of the death, resignation, removal from office, neglect to qualify, removal from the city or the ward for which he has been elected, or permanent disability to perform the duties of his office, of any officer holding by election, except judicial officers,

the common council shall appoint some person eligible under this act to serve in such office until the next annual election, and his successor is elected and qualified, and at such annual election the vacancy shall be filled for the residue of the official term. They may also fill any vacancies in office held by appointment under this act.

Vacancies;
how filled.

Sec. 9. The common council, in addition to the powers and duties specially conferred on them by this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and make such orders, by-laws, or ordinances relating to the same as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation:

Common
council may
pass laws
relative to—
Finances
and public
property.

First. To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the depositing therein of all filthy and other matter, tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of the said river, and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting, and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor masters as they may deem necessary, and to prescribe their powers, duties and compensation.

Water in
river.

Navigation
of river.

Obstruction
in river.

Anchoring
of vessels.

Second. To license, continue, and regulate so many ferries and bridges from within said city to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good.

Ferries.

Third. To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves

Public
wharves.

Private
docks.

and docks, so that they shall not extend into the Saginaw river beyond a certain line to be established by the common council, and to prohibit the incumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicle, dray, or thing whatsoever.

Wharfing
privileges.

Fourth. To lease the wharves and wharfing privileges at the ends of streets on the Saginaw river, in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct; but no building shall be erected thereon, and no lease thereof shall be executed for a longer period than twenty years, and a free passage shall at all times be secured for all persons, with their baggage, over said public wharves.

Limiting
terms of
lease.

Free
passage of
passengers.

Draining
of swamps.

Opening
ditches.

Settling with
owners of
land.

Compensat'n
tendered to
owner.

Wooden
houses.

Fifth. To provide for the draining of any swamp, marsh, wet, or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the county of Bay, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefit which will accrue to the owner or owners of any land, from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby; if such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams, and implements to cut and open said ditch; to protect, clean, and scour it from time to time so as to preserve its original dimensions, and to prohibit and prevent all obstruction thereof, or injury thereto.

Sixth. To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys, and places, or within such limits in said

city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame build- Removal of buildings. ings from any part of said city to any lot in such streets, alleys, and places, or within said limits, and the rebuilding of the same; to prevent the rebuilding of wooden buildings on said Rebuilding wooden buildings. streets, alleys, and places, or within said limits, when damaged by fire or otherwise.

Seventh. To appoint one or more inspectors, measurers, weigh- Inspectors. ers, and gaugers of articles to be measured, inspected, weighed, and gauged; to prescribe and regulate their powers and duties, fees and compensation.

Eighth. To provide for the protection and care of paupers, Paupers. and to prohibit and prevent all persons from bringing in vessels, or in other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor.

Ninth. To erect, and provide for the erection of a city hall, City hall. and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the Purchasing land. same.

Tenth. To prevent vice and immorality; to preserve public Vice. peace and good order; to appoint, organize, regulate, and Police. maintain a police of the city, and to prevent and quell riots, disturbances, and disorderly assemblages and conduct.

Eleventh. To restrain and prevent disorderly and gaming Gaming. houses, and houses of ill-fame; the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain Billiard tables. billiard tables and bowling alleys.

Twelfth. To prevent the vending or giving away of spirituous Liquors. or fermented liquors, and to license and regulate the sale thereof, whenever such sale shall hereafter be authorized by the law of this State.

Thirteenth. To apprehend, restrain, and punish all drunkards, Drunkards, etc. vagrants, mendicants, street beggars, prostitutes, and persons

soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct.

Public
exhibitions.

Fourteenth. To prohibit and prevent, or license and regulate the public exhibition, by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.

Nuisances.

Fifteenth. To prohibit, prevent, abate, and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter house, stable, privy, hog-pen, sewer, or other offensive house or place, to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of the city.

Slaughter
houses.
Markets.

Gunpowder.

Lights.

Sixteenth. To direct and regulate the location and maintenance of all slaughter houses, markets, and buildings for storing gunpowder, and other combustible substances, and to prohibit or regulate the buying, selling, keeping for sale, storing, and transporting gunpowder, naptha, saltpeter, benzine, benzole, petroleum, kerosene oil, fire crackers, fire-works, and all other combustible substances, and the using thereof; the use of lights in barns, stables, and other buildings, and the making of bonfires.

Incumbering
streets.

Seventeenth. To prevent the incumbering or obstruction of streets, side or cross-walks, lanes, alleys, bridges, wharves, or slips, in any manner whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions.

Immoderate
driving.

Securing of
horses in
streets.

Repairing
sidewalks.

Eighteenth. To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses, oxen, or other animals, while standing in any of the streets, lanes, or alleys of the city, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, dirt, wood, or other obstructions.

Nineteenth. To prevent and regulate the running at large of ^{Muzzling} dogs; to impose taxes for the keeping of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance.

Twentieth. To restrain and regulate the use of locomotives, ^{Locomotives} engines and cars upon the railroads within the city, and to ^{Grades of} determine, designate, or cause to be changed, the routes and ^{railroads.} grades of any railroad now in, or hereafter to be laid in any street in said city.

Twenty-first. To prohibit and prevent any indecent exposure ^{Indecent} of the person, the show, sale, or exhibition of any indecent or ^{books and} obscene books, pictures, or pamphlets; and all indecent or ^{shows.} obscene exhibitions or shows of any kind, and all indecent, ^{Disorderly} immoral, profane, or disorderly conduct or language, and to ^{conduct} prohibit or regulate the bathing in any public waters within or ^{Bathing.} adjoining said city.

Twenty-second. To establish, regulate, and maintain one ^{OR Pounds.} more pounds; and to restrain and prevent, or regulate the run- ^{Cattle.} ning at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding.

Twenty-third. To prevent every species of gaming, and to ^{Gaming.} prevent the violation of the Sabbath, and the disturbance of any ^{Violation of} religious congregation, or any other public meeting assembled ^{the Sabbath.} for any lawful purpose.

Twenty-fourth. To protect and regulate all cemeteries or ^{Cemeteries.} graveyards within the city, and all such without the limits of said city, as such corporation may acquire, and to regulate the burial of the dead, and the keeping of bills of mortality.

Twenty-fifth. To prohibit the bringing or depositing within ^{Offensive} the limits of said city any dead carcass or other unwhole- ^{substances.} some or offensive substance, and to provide for the removal or destruction thereof, wheresoever found.

Twenty-sixth. To lay out, establish, make, alter, and regulate ^{Market} market places and public parks or grounds, and regulate the ^{places.}

Firewood
and hay.

measuring and selling of fire-wood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds.

Awning and
other posts.
Trees.

Twenty-seventh. To regulate the setting of awning and other posts, and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same.

Meetings of
electors.

Twenty-eighth. To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except

Compensat'n
of officers.

as is herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council shall deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act.

Powers and
duties of
officers.

Boundaries
of city.

Twenty-ninth. To survey, ascertain, and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, parks, squares and spaces in said city; to prohibit and remove all encroachments upon the same in any manner, and to number the buildings.

Encroachm't
on streets.

Hotels.

Thirtieth. To license and regulate the keeping of hotels, taverns, and other public houses, groceries, and keepers of ordinary saloons, and victualing and other houses or places for furnishing meats, food or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys; also, to license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and regulate auctions, hawking and pawnbrokerage.

Saloons.

Bowling
alleys
Peddlers.

Butchers.

Thirty-first. To license and regulate butchers, and keepers of shops, stalls, and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or

Draymen.

property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and prescribe their fare and compensation.

Stands for carriages.

Thirty-second. To regulate the weights and measures used in the city, to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State.

Weights and measures.

Thirty-third. To assess, levy, and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same.

Taxes on property for corporation purposes.

Thirty-fourth. To punish all offenders for violations of or offenses against this act, or any by-law or ordinance of the common council, adopted or passed under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison or work-house of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year.

Punishing all offenders

Imprisonm't of convicted persons.

Limit of fines.

Thirty-fifth. To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house, or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture,

Employing any convicted person in workhouse.

Prisoner may work out fine.

Necessary
regulations.

Purchasing
land for
cemetery.

or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances, and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and protect the persons and property of the inhabitants thereof. They shall also have power to purchase for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable to agree with the owner or owners for the purchase of such land, they shall have the right to acquire the title to the same for the city, in the manner, and by the proceeding, as near as may be, as is prescribed in this act relative to laying out or altering streets, lanes, or alleys.

Common
council may
pass laws
relative to
fires.

Compel own-
ers of build-
ings to keep
fire-buckets.

Construct
reservoirs.

Appoint
firemen.

Members of
fire compa-
nies to elect
their own
officers.

Sec. 10. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire-buckets as they may direct; to establish, maintain, and regulate all such fire engine, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings, engines, and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city, such number of persons, not exceeding eighty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen; and every such company shall have power to appoint its own officers and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the recorder a cer-

tificate, which shall be *prima facie* evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from payment of a poll tax.

Firemen to be exempt from poll tax and jury service.

Sec. 11. It shall be the duty of each company to keep in good order and repair its fire engine, hose, ladder, and other implements; to assemble at least once in each month, for the purpose of working its engine; and upon any alarm or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire with its fire engine and implements, and be subject to the orders of the chief engineer of the fire department.

To keep engine, etc., in good repair.

Duties of, at fires.

Sec. 12. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire, as in preventing any goods or property from being stolen or injured, and in protecting, removing, and securing the same, for which purpose, and as chief of police, he may require the assistance of all bystanders; and, in the performance of his said duties, the marshal shall in all respects be subject to the order of the mayor, or such of the aldermen as may be present.

Duties of marshal at fires.

Sec. 13. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of said city; to establish a board of health, and to invest it with such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant, and infectious diseases; to provide for its proper organization, and for the appointment of proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Common council to adopt laws for the preservation of public health

To prohibit dangerous occupations.

To establish a board of health and prescribe rules for its government.

Council to regulate time of working on streets.

To provide for paving sidewalks.

To prevent obstructions in streets.

To open streets, lanes, etc.

Proviso.

When street shall be vacated.

Proceedings when private property is taken for streets.

Notice to owners.

Council to treat with owner.

In case of refusal to settle, may summon jury.

Sec. 14. The common council shall have power to regulate the times and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to lay out, open, make, grade and repair streets, lanes, and alleys, and the same to alter and vacate, and to alter or vacate those already laid out: *Provided*, That before any street, lane or alley shall be vacated or altered, the person or persons applying therefor shall give public notice specifying the time and place at which such application will be made, by causing the same to be published in a newspaper published in said city for three successive weeks, and by personally serving upon each owner residing in said city, or occupant of any lot or part of a lot contiguous to such street or alley proposed to be altered or vacated, a copy of such notice. Upon hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated, except upon sufficient cause shown, and with the concurrence of three-fourths of the aldermen elect. If in laying out or altering any street, lane, alley or highway, the common council shall require for such purpose, the ground of any person, they shall give notice thereof to the owners or persons interested, or his or their agent or representative, by personal service, or by written notice posted in three of the most public places in said city, at least three weeks next preceding the meeting of said common council for the purposes aforesaid. And the common council are authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder or any justice of the peace of said city to issue *venire facias* to command the marshal of said city to summon and return a jury of twelve disinterested freeholders to be taken without the limits of said city, to appear before said

mayor or recorder or any justice of the peace of the city, at any place therein to be stated, to inquire into and determine the necessity for using such grounds, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds or premises, which jury being first Jury to assess damages. duly sworn by said mayor, recorder or justice, faithfully and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners, or the parties interested in such ground or premises, for their respective injuries according to the several interests or estates therein; and the said mayor, recorder or justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and the determination of such jury as to the necessity of taking such private property for public use shall be final and conclusive; the common Council to cause sums awarded to be paid. council shall pay or cause to be paid the several sums so awarded to the party or parties entitled thereto, out of the special improvement fund if there are sufficient moneys in the treasury belonging to that fund to pay the same; if there are How award shall be paid when money is wanting. not sufficient of said moneys in the said treasury to pay said award, the common council shall cause an order to be drawn on such fund drawing interest at seven per cent. and payable at some future day, and within one year from date, as a security to the person or persons to whom such compensation shall be awarded for the amount of such compensation so awarded to him or them, and shall deliver the same to such person or persons, or his or their agent or attorney. It shall thereupon be lawful for said common council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any party Proviso. claiming damages as aforesaid, may have the right to remove such proceedings as to the amount of damage to be awarded, by appeal to the circuit court or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so

to do to said mayor, recorder or justice, in writing, within ten days, or in case of the absence of said party from said city at the time of the rendition of said judgment, then within thirty days after the verdict of such jury and the judgment of such mayor, recorder or justice as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said mayor, recorder or justice, within forty days after the verdict and judgment as aforesaid, in the circuit court or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the mayor or recorder at least twenty-five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Ibid.

Council to be judge of its elections.

To compel attendance of members.

To pass necessary by-laws.

Sec. 15. The common council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.

Appointments to, and removals from office; how made.

Sec. 16. All appointments to office shall be made, and all assessments be ordered by a majority vote of all aldermen elected; and removals from office shall be made by the like vote, except in cases where, by this act, a different vote may be required.

Council may require any officer to file bond.

Sec. 17. The common council may at any time require an officer, whether elected or appointed, except judicial officers, to execute and file with the recorder of the city, new official bonds, in the same, or in such further sums, and with new, and such further securities as said council may deem requisite for the interests of the corporation.

Meetings and records of, to be kept public.

Sec. 18. All meetings of the common council shall be public, and it shall be caused to be kept a record of its proceedings, which, with all other records of said city, shall be open to public inspection at reasonable times. The concurrence of a

majority of all the aldermen shall be necessary to pass any ordinance, and no ordinance granting rights, privileges, or franchises to any person or corporation shall be adopted, amended, or repealed, without the concurrence of two-thirds of all the aldermen.

Vote of majority of, necessary to pass any ordinance.

Sec. 19. The common council shall have power to cause the expense of making, grading, paving, and opening streets, lanes, and alleys, of grading, paving, or planking sidewalks, or making drains and sewers, and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of, or adjoining such improvements, and against any other lot or premises, which, in the opinion of the council, are benefited thereby, or by general tax, or in part special and in part general tax, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying, and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay such assessment.

Power of, to assess expenses of opening streets, etc.

May pass by-laws relative to assessing taxes

Sec. 20. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one and under fifty years, (except paupers, idiots, lunatics, and all others by law exempt,) an annual capitation or poll tax, not exceeding one dollar, and they may provide by their by-laws or ordinances for the collection of the same; and the money raised by such poll tax shall be expended under the direction of the common council.

Poll tax; how may be collected.

Sec. 21. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace, recorder, director of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, per-

Common council to perform same duties as township boards.

All officers to take oath and give bond.

form like duties, and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council: *Provided*, That nothing contained in this charter shall be deemed in any manner to affect or modify the provisions of an act entitled "An act to organize union school district of Bay City," approved March 20th, 1867: *And provided further*, That the jurisdiction of the justices of the peace, as conferred by law and by this charter, shall not be restricted by the common council.

Proviso.

Ibid.

Style of ordinances.

Sec. 22. The style of all ordinances of the common council shall be: "It is hereby ordained by the Common Council of Bay City." And all prosecutions from offenses arising under this act, or any ordinance or regulation of the common council, shall be in the name of Bay City.

Taxes; when common council may raise.

Sec. 23. For the purpose of defraying the expenses and all liabilities of the city, (except the bonded debt thereof and interest thereon,) and paying the same, the common council may raise annually by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding two per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax. And the common council may, in addition thereto, levy such sum not exceeding one per cent. of the valuation of the preceding year, as they may deem necessary for highway purposes, which shall be raised, assessed, and collected in the same roll, and in the same manner as the other city taxes. If the said common council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in said city, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess, and col-

Amount of, limited.

Highway, amount of.

When extra, may be raised.

lect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct, and such tax shall be levied, assessed, and collected in the same manner as is provided for the levying and collection of the other city taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not a property-holding tax-payer in said city. The mayor of said city shall preside, or in his absence, the then acting mayor shall preside at such meeting.

Sec. 24. All State, county and school taxes in said city, and all city and highway taxes which shall be raised by general tax, shall be assessed and levied upon the same property, and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, except as herein otherwise provided; and all the proceedings for the return, sale, and redemption of real estate for the non-payment of taxes, shall be in conformity with the proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided.

Taxes to be collected in same mann'r as in townships.

Sec. 25. The common council may be authorized by a vote of the property-holders of said city, in the same manner as is provided in section twenty-three, to raise a tax for any specific purpose, and when so authorized, it shall be lawful for the common council to apportion such tax upon the property, according to the valuation as contained in the last city assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the city treasurer, together with a warrant, signed by the mayor and recorder, commanding the treasurer to collect the same, and make return of his proceedings by virtue of said warrant, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty of the treasurer to collect said taxes within the time specified in such warrant, or within such further time as the common council, by resolution, may direct; or said tax may be spread upon

When council may raise a special tax.

the roll, and collected as provided in section forty-three of this act.

Common council may raise other taxes.

Sec. 26. The common council may by ordinance provide for the collection of all taxes and assessments necessary to be raised, other than such as may be raised as provided in section twenty-four, and for the sale of any real estate for the non-payment of such tax or assessment and for the redemption thereof:

Proviso.

Provided, That all proceedings relative to the notice of sale and the time of redemption, shall be in conformity, as near as may be, to the provisions of law regulating the notice of sale and redemption of lands delinquent for township taxes, except as herein otherwise provided.

How note or bond may be issued by corporation.

Sec. 27. No bond or note or other obligation or evidence of indebtedness of said corporation, shall be given or issued by said corporation, except as provided in sections fourteen, forty-nine, and eighty-five of this act, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money; but the common council may endorse on all accounts which may be presented against said city the amount allowed by them thereon.

Council to make annual statement.

Sec. 28. The common council shall, in the month of March in each year, make out a detailed statement of all receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made; such statement shall be signed by the mayor and recorder, and be recorded and filed in the recorder's office; a copy thereof shall be published in a newspaper printed in said city for at least two weeks.

Mayor; powers and duties of.

To be chief executive

Sec. 29. The mayor shall be chief executive officer of Bay City, and conservator of its peace. It shall be his duty to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolu-

tions of the common council be faithfully observed and executed; and he shall have power in his discretion to report to the common council any violation thereof. He shall from time to time give to the common council such information, and recommend such measures as he shall deem necessary or expedient.

To report to council.

Sec. 30. The mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing; to administer oaths and affirmations; perform marriage ceremonies, and do all other like acts that justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

May take acknowledgment of deeds.

Administer oaths.

May affix seal of city.

Sec. 31. The recorder shall, by virtue of his office, be a police justice, with the like powers and duties as police justices of said city, as prescribed by this act, and shall give bond and take oath of office as such justice before entering on the discharge of the duties thereof; but his title as such justice shall be "Recorder," and his court shall be known as "Recorder's Court," and shall be held in the recorder's office, or common council room. The records of such court, and all papers filed therein, shall be delivered by the recorder to his successor in office, who shall proceed in all cases undetermined, without notice to parties. The recorder shall also be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to the other members of said board, to be paid in the same manner:

Recorder; powers and duties of.

To be a police justice.

To take oath and give bond.

To hold court.

To be a member of the board of supervisors.

Compensation of.

Sec. 32. The recorder shall be the clerk of the common council and shall give bond for the faithful performance of his duties, in such sum as the common council shall by ordinance direct; and shall keep a record of their proceedings in the proper books provided therefor, and shall open and keep the books of accounts and such other books of receipt and expenditures, as the common council may direct, and in such form and manner as they may order; he shall also perform for the city, all such duties as township clerks are required by law to perform for the several townships, and for such services he shall

To be clerk of common council.

To keep record of their proceedings.

To perform duties of township clerk.

To keep
record of
ordinances,
and when
enacted.

When any
ordinance
shall take
effect.

To receive
and keep all
official
bonds.

To perform
duties of
mayor, in
certain cases

May be im-
peached.

Justices of
the peace to
supply va-
cancies in
office of.

May transfer
any suit to a
justice of the
peace.

Alderman;
powers and
duties of.

To act on
committees.

To report
misconduct of
subordinate
officers.

To maintain
peace and
good order.

receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of any ordinance enacted and of the time of its publication, which record shall be signed by the mayor and recorder. No ordinance subjecting any person to fine or imprisonment shall take effect until it shall have been published for at least one week in a newspaper published in said city.

Sec. 33. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office.

Sec. 34. The recorder shall possess the same powers, and perform and discharge the municipal duties of mayor, during the absence, inability, death, resignation, or removal of the mayor.

Sec. 35. The recorder shall be subject to impeachment and removal from office for corrupt conduct in office, or for crimes and misdemeanors in the same manner as judicial officers, pursuant to the provisions of the constitution of this State. The justices of the peace of said city shall possess the judicial powers, and discharge the judicial duties of the recorder, during the absence, inability, death, resignation, or removal of the recorder; and the recorder may by an order in writing, with notice to the parties, transfer any cause or suit pending before him to any such justice of the peace, who shall thereupon have power to proceed in said cause, in all respects the same as the recorder might proceed therein.

Sec. 36. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Sec. 37. The supervisor of each ward shall have and exercise within his ward, all the powers, authorities and functions of supervisors of townships, as now provided, or may be hereafter provided by law, except as herein otherwise provided, and each of them, with the comptroller of said city, shall be a member of the board of supervisors of Bay county, and as such, shall be entitled to the same compensation, and paid in the same manner as the other members of said board.

Supervisors;
powers and
duties of.

To exercise
same powers
as township
supervisors.

Compensat'n
of.

Sec. 38. The annual assessment of taxable property in the city shall be made by the comptroller, at the same time, and in the same manner as assessments are taken and made in townships in this State, except as herein otherwise provided: *And provided,* That the common council may, by ordinance, regulate and determine the time and manner of taking such assessments, and may extend the time for taking such assessment.

Annual
assessment;
when and
how made.

Proviso.

Sec. 39. The accounts and demands of all persons against the city shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the council, or other person authorized to administer oaths.

Accounts
against city;
how to be
presented.

Sec. 40. The comptroller shall perform such duties in relation to the finances, accounts, and other matters of the city as shall be prescribed by ordinance, and shall, in addition to his other duties, be the assessor of said city, and as such, shall have and exercise within the city all the powers and duties and authority of supervisors of townships, as provided by the laws of this State, except as herein otherwise provided. He shall be a member of the board of supervisors of Bay county, and shall have a seat in and attend the sessions of the common council, and may discuss all questions and matters that come before the council, but shall have no vote therein.

Comptroller;
powers and
duties of.

To perform
work re-
quired by
ordinance.

To act as
assessor.

To be a mem-
ber of the
board of
supervisors.
Attend meet-
ings of com-
mon council.

Sec. 41. The comptroller of said city shall complete his assessment of all the taxable property in said city on or before the fourth Monday in May, or at such other time as the common council may provide, and upon the completion thereof, shall file a notice of such completion with the recorder, who

To complete
assessment
roll, and file
notice there-
of with re-
corder.

shall report the same to the common council at their next meeting.

Board of
review; who
to constitute

Quorum of.

To correct
assessment
roll.

Notice of
meeting of.

To decide all
necessary
corrections.

To keep
record of
proceedings.

To receive
assessment
roll from re-
corder and
confirm the
same.

Assessment
roll; con-
tents of.

Sec. 42. The comptroller, supervisors of said city and city attorney shall constitute a board of review, three of whom shall form a quorum. They shall have power and it shall be their duty to examine said assessment, and correct any errors found therein; and on cause shown, to reduce, equalize or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by said council at least two weeks prior to the time of meeting, by publishing a notice thereof in some newspaper published in said city, and also by posting the same in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed, and the said board shall decide the same and their decision shall be final; and said board shall keep a record of their proceedings, and all changes made by them in said rolls, and their records shall be deposited with the recorder.

Sec. 43. The said comptroller shall deliver the assessment roll to the said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their record, the said comptroller shall again take such roll into his possession, and cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year for the city, school, and highway purposes, and all other corporation taxes not herein otherwise provided for, to be ratably assessed to each valuation in said roll or book prepared for that purpose, to be known as the city tax roll, in separate columns, showing the amount of highway,

school, city, and other taxes assessed according to this act, to each valuation in each year; and when the said tax roll has been completed, and on the second Monday of July, the comptroller shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, who shall retain said tax roll in his office for forty days; during the first twenty days of said forty days, any person assessed therein may pay the amount of taxes assessed against each person, respectively, to said treasurer, free from any charges or percentage for collection; said treasurer shall receive and give receipt therefor, and mark the same paid upon the roll. The treasurer shall add to the sums extended on the roll, the sum of one per cent. as fees for the collection of such taxes and assessments as shall be paid during the next twenty days of the said forty days; and within ten days after the expiration of the time for the payment of taxes to the treasurer as aforesaid, the comptroller shall then cause to be made out a copy of so much of said assessment roll as remains due and unpaid, filing the original in his office, and shall add such percentage as shall have been fixed by the common council, as compensation for the collection of such taxes or assessment, not exceeding four per cent. The comptroller shall annex or attach a warrant to said tax or assessment roll, directed to the treasurer of the city, and made returnable upon the last Saturday of October, then next following, commanding him to collect from the persons named in the assessment roll, the assessment of taxes therein specified and set forth as due from such persons, and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant or lessee refusing or neglecting to pay the same, whenever or wherever the same may be found within the limits of said county of Bay, and to pay over and account for the taxes and assessments then collected, according to law. The comptroller shall charge the amount of taxes remaining unpaid upon said roll, to the treasurer of said city receiving the same, and shall also take a receipt therefor; warrants for the collection of

To be delivered by comptroller to treasurer.

Time treasurer shall keep in his office.

Extra percentage allowed to treasurer.

Proceedings in case of unpaid taxes

Distress and sale.

Comptrollers to charge amount of unpaid taxes to treasurer.

taxes or assessments may be extended or renewed from time to time as the common council shall direct.

Treasurer to receive all taxes for certain time without percentage.

When treasurer shall pay over moneys received for taxes.

Taxes; treasurer not required to call on persons for.

Notice of time and place for paying.

Proviso.

Sec. 44. The treasurer shall receive all taxes assessed for State and county purposes, without charging any percentage thereon, until the first day of January in each year, and to that end he is hereby required to deduct from the amounts extended in said roll, all percentage which may have been added in the assessment or extension of taxes thereon, in all cases when the same are paid prior to said first day of January; after the said first day of January the said treasurer shall collect the said taxes and assessments as charged in said roll in the manner required by law, subject, however, to the provisions of the next section. The treasurer of said city shall retain all sums of money collected in his tax roll for city purposes; and the said treasurer shall, in all other respects, pay over all moneys received in payment or on account of taxes, in the manner, and at the time required by law of the treasurers of the several townships of this State.

Sec. 45. The treasurer shall not be required to call upon the persons whose names appear on the assessment roll, or at such person's usual place of residence, and shall not be required to demand payment of the taxes charged on such tax roll or list, in the collection of any State, county, city, or other taxes in said city; but such treasurer shall, two weeks before the time fixed by law for the delivery of any tax roll to said treasurer, give notice by publishing the same in one newspaper published in said city, and by posting the same in three public places in each ward of said city, of the time when such treasurer will receive such roll, and of the time when, by law, he will be required to receive the taxes thereon: *Provided*, That any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or any measures thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said newspaper for four successive weeks.

Sec. 46. It shall be the duty of the common council on or before the last Saturday preceding the first day of June in each year, to determine by resolution the amount necessary to be raised by tax, for city and highway purposes within said city for such year; and it is hereby made the duty of the comptroller of said city to levy the sum so determined upon, and such other taxes as may be required by law upon the taxable property of said city, in the manner specified in section forty-three. No real or personal property which shall be exempt from taxation by the general laws of this State, shall be assessed for the ordinary city or county taxes, nor shall any public square, park, or other public ground, be assessed for tax or assessment whatever.

Common council to decide am't of taxes to be raised.

What property exempt from taxat'n

Sec. 47. When said assessment roll shall have been confirmed by the board of review as mentioned in section forty-two, it shall be the duty of the comptroller to make a copy of the same as confirmed, to be certified by the comptroller, and retain the same until after the equalization thereof by the board of supervisors of Bay county, which is hereby declared to be the assessment roll for all purposes whatever, except for the purpose of extending the assessment roll, for the collection of city taxes as provided in section forty-three, and the comptroller shall extend upon the same all State and county taxes, certified to him from the board of supervisors, at the same time, and in the same manner as township supervisors are or may be by law required to do, and shall annex thereto a warrant, signed as provided in section forty-three, and in all other respects the same as is, or may be by law required in warrants of township treasurers for the collection of township or county taxes. The treasurer shall, within ten days after the expiration of his warrant, make a full return of all taxes collected by him, and of all descriptions of real estate delinquent for taxes, in the same manner as township treasurers are now, or may be by law required to make to the county treasurer, which return shall be made under oath and filed with the county treasurer, and a copy thereof filed with the city recorder. The taxes assessed

Duty of comptroller, after roll has been confirmed by board of review.

When and how treasurer shall make return of taxes collected.

Taxes to be
a lien on real
estate.

for city purposes upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of July, and shall be a lien on said real estate from the fifteenth day of November of the year [in] which such tax was assessed, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

Treasurer to
be collector
of all taxes.

Sec. 48. The treasurer of the city shall be by virtue of his office, the collector of all the taxes and assessments, both general and special, levied and made therein, and for that purpose, within ten days after his election, he shall give bonds to the city, in such sum and with such surety or sureties as the common council shall require and approve; he shall also give to the treasurer of the county of Bay, such further security as is or may hereafter be required by law of the several township treasurers of this State; and for the purpose of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the common council shall require. He shall have power to appoint the city marshal his deputy, to be approved by the common council, and may revoke such appointment at his pleasure, which appointment and revocation shall be in writing and filed in the office of the recorder; and the deputy may perform the duties of such treasurer. And said deputy before entering upon the duties of his office, shall give bonds to the city in such sum and with such surety or sureties as the common council may require and approve.

To give
bonds to
council, and
further secu-
rity to coun-
ty treasurer.

To possess all
powers of
township
treasurers.

May appoint
city marshal
and his dep-
uty.

Deputy to
give bonds.

Sec. 49. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the recorder, and countersigned by the mayor; such warrant shall specify for what purpose the amount named therein is to be paid; and the treasurer shall keep an accurate account, under appropriate heads, of all the warrants paid by him, and his books shall be open to the inspection of any elector of the city at all reasonable hours. The treasurer shall exhibit to the common council at their last regular meeting in the month of March, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed.

Manner of drawing money from treasury.

Treasurer to keep account of all warrants.

To make reports of condition of treasury.

Sec. 50. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; he shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section nine of this act; he shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all persons, in discharge of the duties imposed upon him by law; he may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, except his powers and duties as deputy treasurer, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process in behalf of the corporation of said city, or of the people of this State, as sheriffs and constables have by law to execute similar process, and the marshal may perform all such duties

Marshal; powers and duties of

To give security
To be chief of police.

To enforce regulations of common council.

To obey orders of mayor.

May appoint deputies.

To possess same powers as constables

with reference to serving and executing all civil or other process, and attending courts that constables are by law authorized to perform.

Directors of the poor to perform all duties of township officers.

Power of police constable.

Street commissioner, powers and duties of.

To take oath and give security.

May appoint assistants.

City attorney; powers and duties of.

To conduct all suits of city.

Rules, governing resignations and removals.

Penalty for violating.

Sec. 51. The director of the poor and city constables shall have the powers and perform the duties of township officers elected under the general laws of this State, subject to the provisions of this act, and the police constables shall have power to serve and execute all process issued by the recorder or police justice, or any justice of the peace.

Sec. 52. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving or planking, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers within the limits of the city, in such manner as he may from time to time be required, and before entering on the discharge of his duties, and within ten days from the notice of his appointment, shall take the oath of office, and give such security for the faithful discharge of his duties as the common council shall direct and require, and he may appoint one or more assistants who shall be approved by the council.

Sec. 53. The city attorney shall appear in, and conduct all suits, prosecutions, and proceedings in the recorder's court, to which Bay City is a party, to the end thereof, subject to the rules and practice of said court; and if the same be removed to any other tribunal, by writ of error, *habeas corpus*, or otherwise, he shall conduct the case before such tribunal, and shall perform such other duties as the common council may require.

Sec. 54. Whenever any officer shall resign or be removed from office, or the term for which he shall be elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, or in anywise appertaining to his office, and every person violating this provision shall be guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for like offenses, under the general laws of this State now or hereafter in force, and appli-

cable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Sec. 55. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, except judicial officers, shall have such other rights, powers, duties, and liabilities, subject to, and consistent with the provisions of this act, and shall give such security as the common council may deem expedient, and shall prescribe by ordinance or resolution. And one justice of the peace of said city may be designated by the common council who shall be police justice of the city, and shall, (in addition to the powers conferred upon him by the general laws of this State,) exercise the powers herein conferred upon the police justice.

Additional powers of officers.

Police justice.

Sec. 56. The common council shall prescribe by ordinance or resolution, the term of office of all officers appointed under this act, and shall determine the salary or compensation to be paid to the several officers of said city, which sum, when so fixed, shall not be changed during the term of his office, except as is provided in section nine of this act.

Council to determine terms of office, and compensation of appointed officers.

Sec. 57. All fines imposed by any by-law or ordinance of the common council may be sued for by the city attorney in the name of the corporation, before the recorder or police justice of said city.

Fines, how may be sued for.

Sec. 58. In all suits in which the corporation of Bay City shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Citizens to be competent as jurors.

Proviso.

Sec. 59. In all trials before the recorder or police justice, of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons, if demanded; and all the proceedings in and relative to the cause shall, except as herein otherwise provided,

Offenders to be entitled to jury.

Right of
appeal.

be in conformity, as near as may be, with the mode of proceeding in criminal cases, cognizable by justices of the peace; and in all such cases the defendant shall have the right of appeal from the recorder and police justice's court to the circuit court, and shall abide the order of the court therein, on the same terms as is or may be required by law in appeals from justices' courts in criminal cases.

Proceedings
in case of
suit for viola-
tion of any
ordinance.

Sec. 60. In all prosecutions for the violation of any of the by-laws or ordinances passed by the common council, upon complaint being made in writing by the city attorney, or the oral or written complaint of any other person upon oath before the recorder or police justice, setting forth the substance of the offense complained of, the recorder or police justice shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of Bay City, or any constable of the county of Bay; and such process may be executed by any one of said officers any where within this State, and shall be returnable the same as other similar process issued by justices of the peace in townships.

Ibid.

Sec. 61. Upon bringing the person so charged before the recorder or police justice, he shall plead to said complaint, and in case of his refusing to plead, or standing mute, the recorder or police justice shall enter the plea of not guilty for the person so charged; and upon the said complaint and plea a trial shall be had, and upon conviction of said offender, and the imposition of a fine only, with or without costs, it shall be the duty of the recorder or police justice to issue a commitment, directed to the marshal or any constable of the county of Bay, reciting the sentence and the substance of the offense, as charged in the warrant, commanding the commitment of the person so offending, until the expiration of the term named in the sentence, unless said fine and costs are sooner paid, or until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment directed as aforesaid, commanding his commitment until the expiration of the time for

Justice to
issue com-
mitment.

which he shall be sentenced for imprisonment, or until he be discharged by due course of law; and in cases where both fine with or without costs and imprisonment, or imprisonment in default of payment of fine or costs, are imposed upon the person so convicted by the judgment of such police justice or recorder, he shall issue the necessary process to carry such judgment into effect: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so committed is unable to pay the same in money or labor.

When both fine and imprisonment are imposed.

Proviso.

Sec. 62. In prosecutions for the violation of any of the by-laws or ordinances of said city, it shall not be necessary to plead or set forth any such by-law or ordinance, or any of the provisions thereof in any complaint, pleading, warrant, writ, or process, but the same shall be deemed well and sufficiently pleaded and set forth by reciting the title to any such ordinance or by-law, and the date of its passage or approval; and the court or officer before whom any such prosecution shall be tried, shall take notice without proof of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

Any ordinance to be considered sufficiently pleaded by reciting its title.

Officer to take notice without proof of existence of any ordinance.

Sec. 63. The police justice and the recorder of said city shall have full power and authority, and it is hereby made the duty of such justice or recorder, upon complaint to him, in writing, by the city attorney, or upon oath of any other person, to inquire into, and try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the persons charged, and upon appeal, and to commit to prison, as occasion may lawfully require, and to commit to the Detroit house of cor-

Police justice, duties of.

To try and determine all offenses.

To punish offenders.

To award process, etc.

To commit to house of correction.

rection in all cases where, by the general laws of the State, such imprisonment is lawful.

Corporation
allowed the
use of the
county jail.

Sheriff to
have charge
of offenders.

Sec. 64. The corporation of Bay City shall be allowed the use of the common jail of the county of Bay for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to said county jail by the recorder or police justice for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Entries of re-
corder; how
may be used
as evidence.

Sec. 65. A record or entry, made by the recorder of the said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of the first publication of any ordinance; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer thereto, either—

First. From a copy certified by the recorder of the city, with the seal of Bay City affixed; or,

Second. From the volume of ordinances printed by the authority of the common council.

Process, how
may be di-
rected.

Who may
execute.

Sec. 66. All process issued by the recorder or police justice, to enforce or carry into effect any of the by-laws or ordinances of the common council, shall be directed to the marshal of Bay City, or to any constable of the county of Bay, and such process may be executed by any of said officers any where within this State, and shall be returnable the same as other similar process issued by justices of the peace.

Fines and
penalties,
where paid.

Names of
persons
against
whom judg-
ment is ren-
dered, to be
reported.

Sec. 67. All fines, penalties, or forfeitures recovered before the recorder and police justice shall, when collected, be paid into the city treasury, to be appropriated as the council may direct; and said recorder and police justice shall report on oath, to the common council, at the first regular meeting thereof in each month, during their term of office, the number and name of each person against whom judgment shall have been

rendered for such fine, penalty, or forfeiture; and all money by them received for or on account thereof, which money so received, or which may be in their hands, collected on such fine, penalty or forfeiture shall be paid into the said city treasury on the first Monday of each and every month, during their term of office; and for any neglect in this particular he may be suspended or removed as hereinafter provided.

All moneys to be paid into treasury

Sec. 68. Any judicial officer of said city may be suspended or removed from his said office by the circuit court for the county of Bay for a neglect or refusal to pay over, as required by law, any moneys by him collected for or on account of any fine, penalty, or forfeiture, or the unfaithful or insufficient performance of any of his official duties, or any official misconduct, or charges specially preferred by said common council of said city, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specially stating the charges complained of, a copy whereof shall be served upon him in such manner as said circuit court shall direct, and opportunity shall be given him to be heard in his defense.

Judicial officers, when may be removed.

To be allow'd privilege of defense.

Sec. 69. The recorder and police justice shall each, before entering upon the duties of his office, execute a bond to Bay City, with one or more sufficient sureties, to be approved of by the mayor of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as police justice of said city, and to pay over the moneys so collected, and make his report as in this act required, which bond shall be filed in the office of the treasurer of said city.

Recorder and police justice to give bond.

Bond to be filed with city treasurer.

Sec. 70. All dockets and office books kept by the recorder and police justice, shall at all times be subject to inspection and examination by the common council, or any member or officer thereof; and it shall be the duty of said recorder or police justice to produce such dockets and books at all times, whenever and wherever the said common council shall require or direct;

Dockets and office books to be subject to public inspection.

To be produced whenever common council shall require.

How exhibi- and if they shall neglect or refuse to produce such dockets or
tion of, may
be enforced. office books as directed and required, the circuit judge of the
circuit court for the county of Bay may, on a proper application
to him for the purpose, make an order requiring the same to
be produced, and enforce obedience thereto in the same manner
in which other orders made by him are enforced.

Justices of the peace to make quarterly reports. Sec. 71. It shall be the duty of each justice of the peace, at
the first regular meeting of the common council in each of the
months of August, November, February and May, in every
year, to account on oath before the common council for all such
moneys, goods, wares, and merchandize seized as stolen prop-
erty, and shall then remain unclaimed in the offices of either
of said justices of the peace, and immediately thereafter to
give notice for four weeks in one of the public newspapers
printed in said Bay City, to all persons interested or claiming
such property: *Provided always*, That if any goods, wares, mer-
chandise, or chattels of a perishable nature, or which shall be
expensive to keep, shall at any time remain unclaimed in the
offices of either of said justices it shall be lawful for such jus-
tice to sell the same at public auction at such time and after
such notice as to him and the said common council shall seem
proper.

Owners of stolen property to receive the same on paying necessary charges. Sec. 72. It shall be the duty of each of the justices of the peace
aforesaid, who may recover or obtain possession of any stolen
property on his receiving satisfactory proof of property from the
owner thereof, [to deliver such property to the owner thereof,] on
his paying all necessary and reasonable expenses which may have
been incurred in the recovery, preservation, or sustenance of
such property, and the expenses of advertising the same.

When prop- erty shall be sold. Sec. 73. It shall be the duty of each of the justices of the
peace aforesaid to cause all property unclaimed after the expi-
ration of the notice specified in the last preceding section but
one of this act, money excepted, to be sold at public auction, to
the highest bidder, unless the prosecuting attorney of the
county of Bay shall direct that it shall remain unsold for a
longer period, to be used in evidence in the administration of

justice, and the proceeds thereof, forthwith, to pay to the treasurer of said city, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

Proceeds of sale to be paid into city treasury

Sec. 74. The recorder shall report to the common council the names of such officers as shall have neglected to give the bond and security required by the provisions of this act.

Recorder to report any neglect to give bonds.

Sec. 75. The recorder and police justice and constables shall receive the same fees as are by law allowed to justices and constables in townships. The marshal and police constable shall receive the same fees for making arrests and serving process in behalf of the corporation as constables are allowed by law for similar services.

Compensat'n of officers.

Sec. 76. At all city elections every elector shall vote in the ward where he shall have resided ten days preceding the day of election; otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward ten days prior to such removal. The residence of an elector under this act shall be the ward where he boards, or takes his regular meals.

Where electors shall vote.

Proviso.

Sec. 77. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise willfully swear falsely, as to any material fact or matter, shall be guilty of perjury.

What deemed perjury

Sec. 78. If any suit shall be commenced against any person elected or appointed under this act to any office for any act done, or omitted to be done, under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law. Every such suit shall be commenced before the recorder or some justice of said city, or in the circuit court for the county of Bay, whether such action be civil or criminal in form.

Proceedings when suit is made against any officer.

Where suit shall be commenced.

Presumptive evidence of publication of any ordinance; what to constitute.

Copies of records; how may be used as evidence.

Affidavit of printer to be considered evidence of publication of any ordinance.

Ordinances published by authority of council, to be received as evidence.

Citizens competent as jurors.

Legal acts not to be invalidated by this act.

Defaulters ineligible to office.

Sec. 79. The record of any ordinance enacted, and of the time of its first publication, made by the recorder as required by this act, or a copy thereof certified by such recorder under the seal of the corporation, shall be presumptive evidence in all courts, places, and proceedings, of the due passage of such ordinance, of its having been duly published, and of the time of its first publication; copies of all other records and papers duly filed in, and pertaining to the office of the recorder, certified by him under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the originals would be if produced.

Sec. 80. Proof of the requisite publication of any ordinance, resolution, or proceedings required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the recorder of the city, or any other competent proof, shall, in all courts and places, be conclusive evidence of the legal publication of such ordinance, resolution, or other proceeding. All ordinances and by-laws of the common council, printed or published by their authority, shall, in all courts, places and proceedings, be received without further proof as *prima facie* evidence thereof, and of their legal enactment and publication.

Sec. 81. No person shall be an incompetent judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant or freeholder in Bay City, in any prosecution or proceedings in the recorder's or police justice's court in any action or proceeding in which the corporation shall be a party in interest, or in any judicial or other proceeding.

Sec. 82. This act shall not invalidate any legal act done by the common council, or any officer of said city now or hereafter in office.

Sec. 83. No person shall be elected or appointed to any office created by this act, who is now, or may hereafter be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county or township thereof; and

any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for, and pay over to the party authorized to receive the same, any public money or papers pertaining to his office which may have come into his possession; if any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Sec. 84. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, they shall call a meeting of the property-holding tax-payers of the city, being electors thereof, by posting notices in five of the most conspicuous places of said city at least eight days previous to the time of said meeting, giving notice of the time and place of such meeting, also specifying the amount of not exceeding twenty-five thousand dollars, and the object for which it is proposed to issue said bonds. The mayor, or in his absence, the recorder shall preside at such meeting, and the electors present shall choose *viva voce* from among their number the inspectors and clerks of said election, who shall, before proceeding to the discharge of their duties, make an oath or affirmation, faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths; said election shall be conducted in the same manner, and the canvass of votes as near as may be, as other elections under this act. At the close of such election, the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Bay: *Provided*, That not more than two such meetings shall be called in any one year.

Bonds;
how may be
issued.

Notice of
meeting.
Contents of
notice.

Mayor to
preside at
meeting.

Inspectors
and clerk of
election.

Oath of.

Inspectors to
make certifi-
cate of num-
ber of votes
given.

Proviso.

Sec. 85. Whenever the common council shall be authorized by a vote of the tax-payers, as aforesaid, they may issue the bonds of said city for the amount, as aforesaid, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess, and collect on the as-

When coun-
cil may issue
bonds.

Limit of
taxes.

essed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose not to exceed in amount a sufficient sum to pay the interest accrued or to accrue on said bonds for the year for which said taxes are levied, and the principal as it shall become due.

Prior ordi-
nances to
remain in
force.

Sec. 86. All ordinances, by-laws, regulations, resolutions and rules of the common council of Bay City now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council, under this act, and after the same shall take effect.

Time present
council to
remain in
power.

Sec. 87. The present common council shall exercise the powers of the common council, as prescribed in this act, until the new common council, provided in this act, shall be elected and qualified, but not after.

Inspectors
of annual
city election.

Sec. 88. At the annual election in the year eighteen hundred and sixty-nine, the present aldermen and supervisors shall not act as inspectors of election, unless appointed as in this section

Council to
appoint ward
inspectors.

provided; but the common council shall appoint for each ward three inspectors of election, to whom shall be administered the constitutional oath by either of said inspectors, or by any per-

Neglect to
register not
to deprive
elector of
vote.

son authorized to administer oaths; and no elector at the annual election in the year eighteen hundred and sixty-nine, shall be deprived of his vote by reason of his name not being registered

Proviso.

according to law: *Provided*, That such elector shall be otherwise qualified.

Terms of
office of
present city
officers.

Sec. 89. The present city and ward officers shall hold their offices until the annual election in eighteen hundred and sixty-nine, and until their successors are elected and qualified.

Manner of
filling vacan-
cy in any ju-
dicial office.

Sec. 90. Whenever a vacancy shall occur in any judicial office, the common council may order a special election to fill such vacancy, and shall give not less than ten days' notice of the time of such election. Such notice shall be written or printed, and shall be posted in at least three public places in each ward. The manner of conducting such election shall in all respects be the same as is herein provided for general elections. Any such vacancy may also be filled at the annual election, and that any

candidate intended to fill such vacancy shall be designated on the ballot.

Sec. 91. Until the recorder shall have been elected at the annual election for eighteen hundred and sixty-nine, and shall have been duly qualified, the present justices of the peace of the city shall exercise the powers herein conferred upon the police justice.

How office of recorder shall be filled.

Sec. 92. All former acts and parts of acts relating to the village of Bay City or to the city of Bay City, or to Bay City, not expressly embodied in or made a part of this act, are hereby repealed; but nothing herein contained shall be construed to impair or take away any right or remedy acquired or given by any act hereby repealed, and all such proceedings commenced under any such former act, shall be carried out and completed, and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be enforced in the same manner in all respects, and with the same effect as if this act had not been passed; but nothing in this section contained shall be so construed as to annul or impair, or affect any ordinance, by-law or resolution of said city, not inconsistent with the provisions of this act, but the same shall continue and be in full force until the same are amended or repealed, as fully as though this act had not been enacted.

Acts repealed.

All rights acquired under former acts to remain in force.

Ordinances not inconsistent with this act to remain in force.

Sec. 93. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process, with the mayor or recorder at least ten days before the day of appearance mentioned therein.

Manner of serving process.

Sec. 94. The corporation created by this act shall pay and discharge all the debts, obligations, contracts and liabilities of the common council of the village of Bay City, and of the city of Bay City, and Bay City, and suits may be brought and prosecuted thereon, in the same manner, either in law or equity, and with the same effect as they could be brought or prosecuted against the common council of the village of Bay City, city of Bay City, and Bay City, if this act had not passed.

New corporation to settle all acc'ts of the old.

All rights, property, etc., acquir'd by former council to belong to new.

Sec. 95. All property, real, personal, and mixed, and rights of property, in law or in equity, and all debts, fines, penalties, forfeitures, rights, and causes of action, and all rights and powers not inconsistent with the provisions of this act, which belong, have accrued, or may accrue to the common council of the village of Bay City, or to the common council of the city of Bay City, or to Bay City, or the inhabitants of said city in their corporate capacity, shall be and the same are hereby declared to be fully and absolutely vested in the corporation created by this act, to be held subject to the provisions hereof, and may be prosecuted for, and recovered or claimed, supported and maintained by said corporation in its own name, or in any other lawful manner.

Prior liens on property to remain in force.

Sec. 96. All taxes and assessments for sewers or otherwise, heretofore levied and remaining unpaid in Bay City, shall continue to be a lien on the land on which the same were assessed, and shall, with the interest thereon, at the rate of twenty per cent. per annum from the time they were returned, be reassessed by the comptroller on the same property returned, and such lands shall be sold for said taxes in the same manner, and with the same effect as for ordinary city taxes.

How lands may be sold.

Public act.

Sec. 97. This act shall be deemed a public act, and be favorably construed, and the Legislature may at any time repeal, modify or alter the same.

Railroads; council may authorize running of.

Corporation owning, to plank or pave streets.

Route to be ordered by council.

Sec. 98. The common council shall have power to authorize the running of railroads and street railways in the streets in said city, upon condition that the owners of the lots adjoining and persons interested therein shall receive compensation therefor; but the common council may, as an additional condition of such use of the street, require the corporation or persons owning any such railroad or street railway, to plank or pave the street so used, and in default of performance of any condition above named, may, by ordinance, cause any railroad or street railway now in, or hereafter to be laid in said city, to be changed in its route, and its rails removed, and may use such force, and provide such penalties as may be necessary to enforce

a compliance with any such condition. The method of arriving at the compensation to be paid to the lot owners and persons interested therein, shall be the same as provided by the general railroad laws of this State. Nothing herein contained shall be deemed to prohibit the common council from changing the route of any railroad or street railway, now in, or hereafter to be laid in said city, when, in the opinion of the common council, the public good may require it.

Council
allowed to
change route
of street rail-
ways.

Sec. 99. The bonds heretofore issued by said city, known as the "Nicholson pavement bonds," are hereby declared valid and binding on said city, and the common council shall provide for the payment of the principal and interest of said bonds as the same shall become due, by taxes assessed, levied and collected in the same manner as the general city taxes.

Cert'n bonds
declared
valid.

Sec. 100. This act shall take immediate effect.

Approved March 20, 1869.

[No. 308.]

AN ACT to attach townships number seventeen, eighteen, nineteen, and twenty north, of range number twelve west, in the unorganized county of Lake, to the township of Chase, and attaching said township of Chase, being townships seventeen, eighteen, nineteen, and twenty north, of ranges eleven and twelve west, in the unorganized county of Lake, to the county of Osceola, when fully organized.

SECTION 1. *The People of the State of Michigan enact, That* townships number seventeen, eighteen, nineteen, and twenty north, of range twelve west, in the unorganized county of Lake, be and the same are hereby attached to the township of Chase, in said Lake county, and that said township of Chase, embracing townships seventeen, eighteen, nineteen, and twenty north, of ranges eleven and twelve west, in said unorganized county of Lake, be and the same is hereby attached to the county of Osceola for judicial and municipal purposes, as soon as said county of Osceola shall be fully organized.

Territory
attached.

Register to
make trans-
cript of all
records.

Sec. 2. The register of deeds of said county of Osceola is hereby required to make a transcript of all records affecting the title to any real estate in said territory hereinbefore described, which may be found in the offices of the registers of deeds in the counties of Mecosta and Mason, and said manuscripts when so made shall be as legal and valid as though the same were original records.

Sec. 3. Nothing herein contained shall affect the present condition or status of the territory hereinbefore described, until said county of Osceola shall become fully organized, with the requisite county officers elected and qualified.

Sec. 4. This act shall take effect immediately.

Approved March 22, 1869.

[No. 399.]

AN ACT to repeal section one and section two, of act number 471, of the session laws of 1867, entitled "An act appropriating certain non-resident highway taxes for the improvement of certain State roads, and providing for the construction and improvement thereof," and to amend section three of the same act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one and section two, of act number four hundred and seventy-one, of the session laws of 1867, entitled "An act appropriating certain non-resident highway taxes for the improvement of certain State roads, and providing for the construction and improvement thereof," be and the same are hereby repealed.

Sec. 2. That section three of said act be amended so as to read as follows:

Non-resident
taxes appor-
tioned to cer-
tain State
road.

Sec. 3. All non-resident highway taxes assessed, collected, and unexpended under the provisions of this act, for the years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, in the east half of Wexford and Grand Traverse counties, and in the unorganized

counties of Crawford, Kalkaska, Missaukee, and the north half ^{ibid.} of Roscommon county, and in townships nineteen and twenty north, of ranges five and six west, in the county of Clare, be and the same are hereby appropriated for the purpose of laying out and constructing a State road from some point at or near the head of Grand Traverse Bay, in Grand Traverse county, to some point at or near Houghton Lake, said road to be known as the Traverse Bay and Houghton Lake State road; and the non-resident highway taxes to be assessed in the years eighteen hundred and sixty-nine, eighteen hundred and seventy, and eighteen hundred and seventy-one, in the county of Missaukee, and the north half of Roscommon county, and in townships nineteen and twenty north, of ranges five and six west, in the county of Clare, and in townships twenty-seven and twenty-eight north, of ranges nine and ten west, and the north half of township twenty-six north, of ranges nine and ten west, in the county of Grand Traverse, be and the same are hereby appropriated for the purpose of laying out and constructing said Traverse Bay and Houghton Lake State road.

Sec. 4. This act shall take immediate effect.

Approved March 22, 1869.

[No. 310.]

AN ACT to authorize the school board of fractional school district number one, of the townships of Paw Paw and Antwerp, in the county of Van Buren, to convey real estate.

SECTION 1. *The People of the State of Michigan enact, That* ^{School board authorized to sell land.} the school board of fractional school district number one, of the townships of Paw Paw and Antwerp, in the county of Van Buren, be and are hereby authorized and empowered to sell and convey, by good and sufficient deed or deeds, all the right, title and interest of said school district in and to lots number three, four, and five, of block fifteen, in the village of Paw Paw, in said county of Van Buren: *Provided, They shall first, at any regu-* ^{Proviso.} lar annual meeting, or at any special meeting duly called for

that purpose, by a vote of two-thirds of the qualified electors there attending and voting thereon, determine so to do.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 311.]

AN ACT to provide for laying out and establishing a State road in Eaton county, and opening the same.

Commis'rs
appointed.

SECTION 1. *The People of the State of Michigan enact, That Henry Hibbard, Julius Dorman and Amos Allen, be and the same are hereby appointed commissioners to lay out and establish a State road, commencing at the north line of the township of Chester, at the corners of sections three and four, in Eaton county, in the State of Michigan, and running thence south on the line of said sections to some point on the Grand River Valley railroad, at or near the junction of the Grand River Valley railroad with the old Bellevue State road.*

Duties of.

Description
of road to be
filed with
township
clerk.

Sec. 2. It shall be the duty of said commissioners to lay out and establish said road, to cause the same to be surveyed, and a description of such part thereof, in the township of Chester, in which said road shall be located, to be filed with the township clerk of such township, whose duty it shall be to record the same; and such record, or a certified copy thereof, shall be *prima facie* evidence of the existence of the road.

Right of
way.

Sec. 3. The right of way for such road, through any lands belonging to the State, is hereby granted and confirmed to the township in which such lands are situated.

Proceedings
when private
property is
taken.

Sec. 4. In all cases in which damages are claimed, by reason of the laying out and establishing said road through private lands, the said commissioners shall have power to settle the same and certify the amount, with their return; and if they are unable to agree with the claimant on the amount of such

damages, they shall make application, in writing, to a judge of a court of record of the county of Eaton, either in vacation or in term time, for the appointment of three commissioners; and the said judge shall, within ten days thereafter, by writing, appoint three disinterested men, who, after taking and subscribing an oath, before any officer authorized to administer the same, to discharge their duties impartially, which oath shall be returned with their appraisal, shall, within twenty days after their appointment, appraise all the said damages, which appraisal shall be final, and make return thereof, in writing, to the township clerk of the township in which the land is situated, who shall certify the amount of such appraisal to the supervisor of his township, who shall levy and collect the same in the next tax roll of his township, and authorize the same to be collected in the same manner as other township taxes are collected; but the State of Michigan shall not be liable for any damages for right of way, nor any expenses in establishing or improving such road.

Sec. 5. The commissioners shall receive for their services two dollars per day for the time actually spent in performing their duties, and shall also be allowed, for actual expenses incurred in the employment of a surveyor and other necessary help, which expenses shall be paid by the said township in which said road shall be located. Compensation of commissioners.

Sec. 6. It shall be the duty of the commissioners of highways, and overseers of highways in any township or road district in which such road may be, to open and work the same, in the same manner, and by virtue of the same law as township roads are opened and worked. How road shall be worked.

Sec. 7. This act shall take immediate effect.

Approved March 22, 1869.

[No. 312.]

AN ACT to provide for laying out and establishing a State road in Eaton, Ingham, and Jackson counties, and opening the same.

Commis'rs
appointed.

SECTION 1. *The People of the State of Michigan enact*, That Ephraim Vanhorn, John Scott, and John Sherman, be and the same are hereby appointed commissioners to lay out and establish a State road, commencing at the village of Eaton Rapids, Eaton county, in the State of Michigan, and running thence by the way of Onondaga, to connect with plank road leading from Jackson to Lansing, in the township of Tompkins, in the county of Jackson.

Description
of road to be
filed with
township
clerks.

Sec. 2. It shall be the duty of said commissioners to lay out and establish said road, to cause the same to be surveyed, and a description of such part thereof as lies in each township in or through which said road shall be located, to be filed with the township clerk of such township, whose duty it shall be to record the same; and such record, or a certified copy thereof, shall be *prima facie* evidence of the existence of said road.

Right of
way.

Sec. 3. The right of way for such road through any lands belonging to the State, is hereby granted and confirmed to the townships in which said lands are situated.

Proceedings
when private
property is
taken for
road.

Sec. 4. In all cases in which damages are claimed by reason of the laying out and establishing said road through private lands, the said commissioners shall have power to settle the same, and certify the amount with their return; and if they are unable to agree with the claimant on the amount of such damages, they shall make application in writing to a judge of a court of record, in either of the counties in which said road shall be laid, either in vacation or in term time, for the appointment of three commissioners; and the said judge shall, within ten days thereafter, by writing, appoint three disinterested men, who, after taking and subscribing an oath, before any officer authorized to administer the same, to discharge their duties impartially, which oath shall be returned with their appraisal, shall, within twenty days after their appointment,

appraise all the said damages, which appraisal shall be final, and make return thereof in writing, to the township clerk of the township in which the land is situated, who shall certify the amount of such appraisal to the supervisor of his township, who shall levy and cause to be collected the same in the next tax roll of his township, in the same manner as other township taxes are collected; but the State of Michigan shall not be liable for any damages for right of way, nor any expenses in establishing or improving such road.

Sec. 5. The commissioners shall receive for their services two dollars per day, for time actually spent in performing their duties, and shall also be allowed for actual expenses incurred in the employment of surveyor and other necessary help, which expenses shall be paid by the several townships in which the said road shall be located: *Provided*, That no township shall pay for any services rendered, or expenses incurred in any other township.

Compensation of commissioners.

Provided.

Sec. 6. It shall be the duty of the commissioners of highways in any township or road district in which such road may be, to open and work the same, in the same manner and by virtue of the same law as township roads are opened and worked.

How road shall be worked.

Sec. 7. This act shall take immediate effect.

Approved March 22, 1869.

[No. 313.]

AN ACT to authorize the township of Swan Creek, in the county of Saginaw, to aid in the construction of a bridge across the Tittabawassee river, in said county, by issuing the bonds of said township, and to provide for the payment thereof.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Swan Creek, in the county of Saginaw, are hereby authorized to issue the bonds of said township, in their official capacity, in the sum of three thousand dollars, bearing interest at a rate not to exceed ten

Township boards authorized to issue bonds.

per centum per annum, payable at any time within six years from the date thereof; said sum to be expended in constructing a bridge across the Tittabawassee river, in said township, at or near the point where the east and west section line between sections four and five, township eleven north, of range four east, crosses said river, and for no other purpose: *Provided*, No bonds shall be issued, as herein provided, unless authorized by a vote of the qualified electors of said township, at the annual, or any special township meeting held therein for that purpose.

Proviso.

Assessor to spread am't of bonds on assessment roll.

Sec. 2. After the issuing of said bonds, by said township board, it shall be the duty of the supervisor of said township to assess and spread upon the assessment roll of said township, each and every year, a sufficient sum to pay the aforesaid bonds, and interest thereon, as the same may become due: *Provided*, That no greater sum than the annual interest on said bonds, and one-sixth of the whole of the principal thereof, shall be assessed in any one year.

Proviso.

How tax shall be collected.

Sec. 3. The sums thus annually assessed, shall be collected in the same manner as other township taxes are collected, and shall be paid by the treasurer of said township to the holder or holders of said bonds, on maturity thereof.

Approved March 22, 1869.

[No. 314.]

AN ACT to organize townships seventeen, eighteen, nineteen, and twenty north, of ranges thirteen and fourteen west, in the unorganized county of Lake, by the name of Lake.

Township organized.

SECTION 1. *The People of the State of Michigan enact*, That townships seventeen, eighteen, nineteen, and twenty north, of ranges thirteen and fourteen west, in the unorganized county of Lake, be and the same are hereby organized into a township by the name of Lake; and the first township meeting there shall be held at the house of Henry Flynn, in said township on the first Monday of April next.

Sec. 2. Henry Flynn, William Snell, Israel Smith, and John Miles are hereby made and constituted a board of inspectors for said township election. Inspectors of election.

Sec. 3. If for any reason the township meeting should not be held at the time herein named, it shall and may be lawful to hold the same on any day thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do. Proceedings when elect'n is not held at time herein specified.

Sec. 4. All parts of acts contravening the provisions of this act are hereby repealed.

Sec. 5. This act is ordered to take effect immediately.

Approved March 22, 1869.

[No. 315.]

AN ACT to organize the township of Colfax, in the county of Mecosta.

SECTION 1. *The People of the State of Michigan enact, That* townships number fifteen (15) north, of ranges eight (8) and nine (9) west, in the county of Mecosta, be and the same hereby are detached from the present township of Big Rapids, in said county of Mecosta, and organized into a separate township by the name of Colfax. Township organized.

Sec. 2. The first election in said township shall be held at the house of Lloyd W. Simonds, on the first Monday of April next, which said election shall be conducted according to the statutes in such case made and provided; and Lloyd W. Simonds, Sidney L. Rood, and Daniel W. Dutcher are hereby constituted and appointed inspectors of said election. First election.

Sec. 3. If for any reason the township meeting should not be held at the time herein named, it shall be lawful to hold the same on any day thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by post- Proceedings when elect'n is not held at time herein specified.

ing notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved March 22, 1869.

[No. 316.]

AN ACT to amend sections four and seven of an act entitled "An act to authorize the township of Holland, and other townships in the counties of Ottawa and Allegan, to make loans and levy taxes for the improvement of the harbor at the mouth of North Black river, in Ottawa county," approved March fifth, eighteen hundred and fifty-eight.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four and seven of an act entitled "An act to authorize the township of Holland, and other townships in the counties of Ottawa and Allegan, to make loans and levy taxes for the improvement of the harbor at the mouth of North Black river, in Ottawa county," be so amended as to read as follows:

Harbor
board
appointed.

Sec. 4. Said township board shall appoint three freeholders, and no more, of the township, and the common council of the city of Holland, of Ottawa county, shall appoint four freeholders, which number shall constitute the harbor board for the improvement of said harbor, to hold their office for such length of time as said board in the one case, and the common council of the city of Holland in the other, shall determine, and said township board and common council of the city of Holland, respectively, shall appoint their successors, and fill all vacancies as necessities may require, whose duty it shall be to build, widen, excavate and improve, and keep in repair the harbor at the mouth of North Black river aforesaid, in such manner as they shall deem best, and to such end shall use and disburse all money raised for such purpose, and the same shall be drawn out

Duty of.

of the fund aforesaid, only upon the order of the chairman of said harbor board, signed by himself, and countersigned by the clerk of said board, who shall be chosen by said board, and from one of its members: *Provided*, That the letting of the ^{Proviso.} work of improvement herein contemplated, shall first be advertised for six successive weeks, in a newspaper published in the city of Grand Haven, and also in a newspaper published in the city of Holland, before the letting of said work; and said letting shall be given to the lowest bidder therefor, who shall give sufficient security for the faithful performance of said work.

Sec. 7. The provisions of this act shall apply to the city of Holland for the object aforesaid, and said city shall, in the same manner, act jointly with the township of Holland, in prosecuting said improvement of Black Lake harbor.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 317.]

AN ACT to amend "An act to incorporate the city of Grand Rapids," approved April 2d, 1850, as amended by the several acts amendatory thereof, and to add three new sections thereto, to stand as sections forty-three, forty-four, and forty-five.

SECTION 1. *The People of the State of Michigan enact*, That ^{Section amended,} section thirty-four, of title four, of an act entitled "An act to incorporate the city of Grand Rapids," approved April 2d, 1850, as amended by the several acts amendatory thereof, be amended so as to read as follows:

Sec. 34. The common council shall annually determine the ^{Compensat'n of officers.} salary or compensation to be paid to the several officers of said city, with the limitations hereinafter prescribed, and which shall be as follows, namely: To the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding six hundred dollars per annum; to the city treasurer, a sum

not exceeding two hundred and fifty dollars per annum; to the city marshal, as superintendent of streets, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day actually spent in the performance of such duties; to each alderman of said city, a sum not exceeding one hundred dollars per annum; to the city controller, a sum not exceeding one hundred dollars per annum; to the city attorney, a sum not exceeding five hundred dollars per annum; and they may also establish the fee or salary to be paid to all other officers, whose fees or salary are not prescribed by law, for services performed for said city.

Section
amended.

Sec. 2. That section 21, of title III, of said act, be amended so as to read as follows:

When com-
mon council
may borrow
money and
issue bonds.

Sec. 21. The common council shall have power whenever, in their opinion, the necessity of the city requires, to purchase sites, and to construct a city alms-house, city hall, and city market or markets, and to appoint the keepers, clerks, and necessary officers thereof, and may make such regulations concerning the same as the common council may think proper. And for either and each of the purposes aforesaid, the common council is hereby authorized to borrow money on the faith of the city, such sums for either of the above purposes as the common council may deem expedient, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum; and for such purposes may issue the bonds of the city, signed by the mayor, and countersigned by the controller, and in such form and sums as the common council may direct; and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not for less than par, and the avails thereof shall be applied to the purposes for which the same were executed, and for no other purpose: *Provided*, That whenever the common council shall deem it expedient to raise any such sum, the question of borrowing such money shall be submitted to a vote of the qualified electors of the city of Grand Rapids, to

Proviso.

be held at such time and place in said city as the common council shall appoint.

Sec. 3. That section forty-four, of title six, of said charter, Section amended. as amended by act number three hundred and twenty-five, approved March 13, 1867, be and the same is hereby amended so as to read as follows:

Sec. 44. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the Assessment roll; manner of collection. same shall remain and continue a lien on the premises on which the same is made, and the assessment roll so confirmed, as aforesaid, shall, unless otherwise ordered by the council, within ten days thereafter be delivered by the city clerk to the treasurer of the city, who shall endorse thereon the time of such delivery, and thereupon give notice by publication twenty days, in two newspapers published in said city, of the receipt of such assessment roll, and that the same will remain in his office for the space of twenty days after the first publication of said notice, during which time he will receive the payment of such assessment; and said treasurer shall give a receipt to all persons who shall pay their assessments to him before the expiration of said twenty days, and shall endorse the same as paid to him on such roll, and make due report thereof to the common council. Within Marshal to collect unpaid taxes. five days after the expiration of said twenty days, the city treasurer shall return such roll to the city clerk, who shall report the same to the common council; and if it appears that any of such assessments remain unpaid, the common council may, in such manner as they see fit, determine the per cent. to be added thereto as collection fees, and authorize the mayor to attach his warrant to such roll, specifying therein the collection fees so to be added as aforesaid, and directing the marshal to collect such assessments and the collection fees so added as aforesaid, within such times as shall be fixed by the common council; and said roll, with the mayor's warrant attached, shall be delivered to the marshal within ten days after such action of the common council; and thereupon it shall be the duty of the marshal, and he is hereby given full power and authority to levy and collect

May take
private
property.

the same by distress and sale of any personal property upon such premises, or in possession of the persons chargeable with such assessment, and in case sufficient personal property cannot be found whereon to levy for the satisfaction of such assessment, the marshal shall, within five days after the time prescribed by his warrant, or such other time as the council shall fix for the collection thereof, has expired, pay to the city treasurer all sums collected by him on such assessment roll, and make report, on oath, to the city clerk, of the sums which remain unpaid, and for the satisfaction of which he was unable to find sufficient personal property as aforesaid, together with the description of the premises on which the same were assessed; and the city clerk, within five days after being so instructed to do by the common council, shall in like manner notify the supervisor of the ward or wards within which such premises are situated, of the amount of such assessment, and the description of the premises assessed and chargeable therewith, who shall assess the same on such premises, on the tax roll of such ward next thereafter to be made, and such assessment shall then be levied, collected, and returned, and the said premises may be sold for non-payment thereof, by the same officers, and at the same time, and in the same manner provided by law for the sale of lands for non-payment of ordinary city taxes.

Clerk to
notify ward
supervisors
of amount of
assessment.

Sections
added.

Sec. 4. That title 9 of said act be and the same is hereby amended by adding thereto new sections, to stand as sections 43, 44, and 45, as follows:

Convicts
allowed to
work out
fines.

Sec. 43. All male persons who may be confined in the county jail or city penitentiary for any breach of any of the ordinances of said city, or for non-payment of any penalty recovered against them in favor of said city, may be taken from said jail or city penitentiary, and worked upon the streets or other public improvements of said city, under the direction of such city officer as the council may from time to time designate and direct, or under the direction of such person or persons as the common council shall appoint from time to time to superintend the expenditure of highway moneys, and for each day of eight

hours such person shall faithfully work, he shall be allowed one dollar, and for each half day fifty cents, to apply on such penalty or fine; and if the same is thus paid up before the time limited in the execution upon which he was committed has expired, he shall be discharged from further confinement on account thereof: *Provided*, If any such person shall not faithfully work, or shall endeavor to escape, or shall escape, or shall hinder or interrupt others in working, or otherwise misbehave himself, he shall not be allowed any per diem for his work, but shall work the term for which he was limited to be confined. Proviso.

Sec. 44. The officer or person having such persons in charge during work, shall a true and correct account keep and render of all work done by such person, and report the same to the council at the first regular meeting in each month; and if any person liable to work as herein provided, should behave in a refractory manner, or refuse to work when directed so to do by the officer or person having him in charge, he shall on complaint of such officer in charge, be put by the jailor or keeper of the city penitentiary, in solitary confinement, and fed on nothing but bread and water for the space of three days, unless he should sooner consent to work or otherwise behave himself. Penalty when convicts refuse to work.

Sec. 45. It shall be the duty of the jailor or keeper of the city penitentiary to deliver over to the officers and persons designated by the common council, such persons in execution at the suit of the city whenever demanded, and also to receive such persons in charge when returned to such jail; and while such person is out of the custody of such jailor or keeper of the city penitentiary he or the sheriff shall not be liable for the escape of such persons. And in case any such person should escape, he may be re-captured by the sheriff or any constable of said city, and held the remainder of his term of sentence, and shall also be liable, on conviction thereof, to a penalty of not exceeding one hundred dollars, and in default of payment, he may be imprisoned not to exceed ninety days. Duty of jailor.

[Sec. 5. This act shall take immediate effect.]

Approved March 22, 1869.

[No. 318.]

AN ACT to legalize the tax roll of the township of Marquette, in the county of Marquette, for the year eighteen hundred and sixty-eight.

Tax roll
legalized.

SECTION 1. *The People of the State of Michigan enact, That* of the township of Marquette, in the county of the year one thousand eight hundred and sixty- the same is hereby declared to be as legal and h the same had been made out and delivered to the township treasurer within the time prescribed by law.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

2

[No. 319.]

AN ACT to attach the unorganized counties of Otsego, Crawford, and a portion of Kalkaska, to the townships of South Arm, Torch Lake, Helena, and Rapid River.

Territory
attached.

SECTION 1. *The People of the State of Michigan enact, That* the unorganized territory described as follows, to wit: Township thirty-two north, of ranges one, two, three, and four west, shall be attached to the township of South Arm, in the county of Antrim, for all municipal and taxable purpose, until set off into other townships.

Id.

Sec. 2. The unorganized territory described as follows, to wit: Township thirty-one north, of ranges one, two, three, and four west, shall be attached to the township of Torch Lake, in said county, for the same purposes as hereinbefore specified.

Id.

Sec. 3. The unorganized territory described as follows, to wit: Townships twenty-nine and thirty north, of ranges one, two, three, and four west, shall be attached to the township of Helena, in said county, for the same purposes as hereinbefore specified.

Sec. 4. The unorganized territory described as follows, to wit: *Ibid.*
The county of Crawford, and all that portion of Kalkaska county which is not included within the organized township of Rapid River, shall be attached to the township of Rapid River, in said county, for the same purposes as hereinbefore specified.

Sec. 5. This act shall take immediate effect.

Approved March 22, 1869.

[No. 320.]

AN ACT to attach the west half of the unorganized county of Clare to the county of Mecosta, and to the township of Big Rapids, for judicial and municipal purposes.

SECTION 1. *The People of the State of Michigan enact, That* the west half of the unorganized county of Clare, being town-
ships number seventeen, eighteen, nineteen, and twenty north,
of ranges five and six west, be and the same is hereby attached
to the county of Mecosta, for judicial and municipal purposes,
which said territory is hereby attached to the township of Big
Rapids, in said county of Mecosta. Territory attached to Mecosta county.

Sec. 2. The register of deeds of said county of Mecosta is hereby required to transcribe the records of all deeds and mortgages, or other papers affecting the title to real estate, for and upon the lands embraced in the territory hereinbefore described, which may now exist upon the records of the county of Isabella; and said transcripts when so made shall be as legal and valid as though they were the original record of such papers, for all purposes whatsoever. Register of deeds to transcribe records, etc.

Sec. 3. This act shall take effect immediately.

Approved March 22, 1869.

[No. 321.]

AN ACT for the protection of fish in the waters of the inland lakes of the county of Kalamazoo.

Spearing
fish prohib-
ited.

SECTION 1. *The People of the State of Michigan enact, That* it shall be unlawful for any person or persons to spear fish in the waters of the inland lakes of Kalamazoo county, between the first day of March and the first day of July, in each year.

Penalty.

Sec. 2. All persons concerned in the breach of this act shall forfeit the sum of five dollars, with all costs of suit, and may be recovered by action of debt, before any court of competent jurisdiction, to be paid into the hands of the county treasurer, which shall be exclusively appropriated to the support of the township library.

Approved March 22, 1869.

[No. 322.]

AN ACT to organize the township of Greenbush, in the county of Alcona.

Township
organized.

SECTION 1. *The People of the State of Michigan enact, That* all that territory lying in the county of Alcona, and State of Michigan, and designated as townships numbered twenty-five north, of ranges numbered five, six, seven, eight, and nine east, be and the same is hereby organized into a township by the name of Greenbush.

First town-
ship meeting

Sec. 2. The first township meeting in said township of Greenbush shall be held on the first Monday of April next, at the house of William Conkling, in said township; and William Conkling, Colin Campbell, and David Kay are hereby made and constituted a board of inspectors for said township election.

Proceedings
when elect'n
is not held
at time ap-
pointed.

Sec. 3. If for any reason the township election shall not be held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the

time and place of such meeting, by posting notices thereof in four of the most public places in said township, which said notices the said board of inspectors for said township are hereby authorized and required to post.

Sec. 4. If, for any cause, all or either of the inspectors hereby appointed shall neglect or shall be unable to attend said board at the time specified, it shall be lawful for the electors of said township to choose from the electors present suitable persons to act as inspectors of said election.

Vacancy in office of inspector; how filled.

Sec. 5. This act shall take effect immediately.

Approved March 22, 1869.

[No. 323.]

AN ACT to provide for the laying out and establishing the Fremont branch of the Port Sanilac and Tuscola State road.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established by a commissioner to be appointed by his Excellency the Governor of the State of Michigan, a State road, commencing at a point on the "Port Sanilac and Tuscola State Road," sixty rods west of the north-east corner of section fifteen, in township twelve north, of range eight east, in the county of Tuscola, running thence directly south one hundred and sixty rods; thence on the most direct and eligible route to the south-east corner of section fifteen, in township eleven north, of range nine east, in said county; said road to be known as the Fremont branch of the Port Sanilac and Tuscola State road.

Description of route.

Sec. 2. It shall be the duty of said commissioner within six months after his appointment, to proceed to lay out and establish said road, and to cause the same to be surveyed, and a description thereof to be filed with each of the township clerks of the townships through which said road shall pass, whose

When commissioner shall lay out road.

duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Damages;
how recov-
ered.

Sec. 3. In all cases where damages may be claimed by reason of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Appropriat'n
of non-resi-
dent high-
way taxes.

Sec. 4. For the purpose of constructing said road there is hereby appropriated all the non-resident highway tax one mile each side of the line of said road, for the term of five years from the passage of this act.

State not to
be liable for
any expense
or damage.

Sec. 5. The State shall not be liable for any expense or damage sustained by reason of this act, but the townships through which said road shall pass, shall pay for the survey and necessary expense, and shall also pay the commissioner the same compensation allowed by law to the commissioners of highways.

Commis'sner
to receive
trxes from
overseer of
highways.

Sec. 6. Any overseer of highways, or township treasurer, having received any portion of such non-resident tax, shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and said commissioner's receipt therefor shall release such overseer or treasurer from liability.

To make
report to
board of
supervisors.

Sec. 7. It shall be the duty of such special commissioner to render to the board of supervisors of said county, at their annual session, a true account on oath or affirmation, of the receipt and disbursement of all such money received by him during each year, from such townships respectively.

To give
bonds

Sec. 8. Said commissioner, before he shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county, a bond in the sum of one thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act,

which bond shall be filed in the office of the clerk of said county.

Sec. 9. This act shall take immediate effect.

Approved March 22, 1869.

[No. 324.]

AN ACT to amend section fifteen of an act entitled "An act to incorporate the village of Farmington," approved March twenty-fifth, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section fifteen of an act entitled "An act to incorporate the village of Farmington," approved March twenty-fifth, eighteen hundred and sixty-seven, be and the same hereby is amended so as to read as follows:

Sec. 15. The inhabitants of said village shall be liable to the Inhabitants of village liable to operation of township laws, etc.
operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating, and constructing streets and highways, and the labor to be performed thereon, within the limits of said village; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem necessary to be performed upon the streets and highways in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways. When- Proceedings when private property is to be taken for streets.
ever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, sewers, or other improvements within the limits of said village, the common council shall give notice thereof to the Notice to owner.
owners or parties interested, or his, her or their agents or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of said common council for the pur-

pose aforesaid; and the said common council are hereby authorized to contract for and purchase such lands of said owner, for the purposes aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purposes aforesaid, or the parties fail to agree upon the price of said lands, it shall and may be lawful for said common council to direct the recorder of said village to issue *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to appear before a justice of the peace in said village, or the justice residing nearest thereto, within the county of Oakland, at a time to be therein stated, to inquire into the just compensation to be made therefor to the owner or owners, or parties interested in such land and premises; which jury, being duly sworn by such justice, faithfully and impartially to inquire into and determine the just compensation to be made therefor, and after having reviewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, alley, drain, sewer, or other improvement shall be made, opened, established or altered, to the claimant or claimants thereof. It shall therefrom be lawful for the common council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party claiming damages, as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court for the county of Oakland; and upon giving notice of his or her or their intention so to do, to said justice, in writing, within five days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon, as aforesaid, first giving a bond with sufficient

Summoning
of jury.

Jury to
assess
damages.

Compensat'n
tendered to
owner.

Proviso.

sureties, to be approved by said justice, conditioned to pay all costs which may be awarded against him in said circuit court; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment of ^{Ibid.} said court shall not exceed the damages assessed before said justice, at least ten dollars, the party appealing shall pay the cost occasioned by such appeal.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 325.]

AN ACT to authorize school district number three, fractional, of the township of Girard, in the county of Branch, to issue bonds for the purpose of building a school-house.

SECTION 1. *The People of the State of Michigan enact*, That school district number three, fractional, of the township of Girard, in the county of Branch, is hereby authorized to issue bonds, to an amount not exceeding four hundred dollars, payable in two years, and drawing interest not exceeding ten per centum per annum, and payable annually, for the purpose of building a school-house in said district: *Provided*, Said school district shall, at a regular or special meeting, called on due notice, so direct by the votes of a two-thirds majority of the electors there assembled and voting. ^{School district authorized to give bonds.} ^{Proviso.}

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 326.]

AN ACT to set off that portion of the township of Richland, in the county of Kalamazoo, situated east of Gull Lake, and attach the same to the township of Ross.

Township of
Ross; terri-
tory attach'd
to.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of Richland, in the county of Kalamazoo, situate east of Gull Lake, be and the same is hereby set off from said township, and attached to and made a part of the township of Ross.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 327.]

AN ACT to authorize the city of Grand Haven to aid the Detroit and Milwaukee Railroad Company to extend the line of their road across Grand river, from Ferrysburg, into the city of Grand Haven, and to change the location of their depot at Grand Haven, from the west to the east side of Grand river.

City allow'd
to pledge
credit and
issue bonds;

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for the city of Grand Haven to pledge the credit of that city and to issue bonds to aid the Detroit and Milwaukee Railroad Company in extending the line of their railroad across Grand river, from Ferrysburg, into the city of Grand Haven, and to change the location of their depot at Grand Haven, from the west to the east side of Grand river, for such sum or sums, not exceeding fifty-three thousand dollars, as a two-thirds majority of the property-holding electors of said city, present and voting, shall, at a meeting or meetings called for that purpose, determine. The electors of said city may also, at such meeting or meetings, determine the terms, conditions, manner of executing securities, and other particulars in regard to such pledge or credit: *Provided, That* the amount of bonds which shall be due in any one year, shall not exceed

five per centum of the assessed valuation of said city at the time of issuing the same.

Sec. 2. The bonds of said city may be issued for the purpose contemplated by this act, pursuant to the existing provisions of law, regulating the issue of the bonds of said city in other cases. Bonds; how may be issued.

Sec. 3. The securities issued or made in pursuance of the provisions of sections one and two of this act, shall be and the same are made a valid and legal charge upon the taxable property of said city, and it shall be the duty of the common council to provide by tax for the payment of the principal and the interest thereon, as fast as the same shall become due and payable by the terms thereof. Securities made a legal charge on property.

Sec. 4. No bonds or other evidences of debt shall be delivered to the said railroad company, or any person for said company, until all the terms and conditions required by the vote of said city shall have been fully complied with: *Provided*, That no bond or other evidence of debt, issued under the provisions of this act, shall be sold for less than their par value, nor said bonds or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid, or paid over to said railroad company, until they shall run their cars into the city of Grand Haven, on the east side of Grand river. When bonds shall be delivered. Proviso.

Sec. 5. This act shall take immediate effect.

Approved March 22, 1869.

[No. 328.]

AN ACT to fix the time of holding probate court in the county of Leelanaw.

SECTION 1. *The People of the State of Michigan enact*, That there shall be a probate court held in the county of Leelanaw, on the first Thursday of each month, and on such other days as the judge of probate of said county shall appoint; and in case any matter shall not be heard at the time appointed for Holding of court authorized.

hearing the same, such matter shall stand continued until the next stated term of the court, unless the parties interested otherwise agree.

Sec. 2. All parts of acts contravening the provisions of this act, so far as they relate to the county of Leelanaw, are hereby repealed.

Approved March 22, 1869.

[No. 329.]

AN ACT to amend sections one and three of an act entitled "An act to revise the charter of the city of Adrian," approved March 21, 1865.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That sections one and three of an act entitled "An act to revise the charter of the city of Adrian," approved March 21, 1865, be and the same is hereby amended so that the same shall be and read as follows:*

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That so much of the former townships of Adrian and Madison, in the county of Lenawee, as is embraced in the following descriptions, to wit: the south half of section thirty-four, the north-east quarter of section thirty-four, all of section thirty-five, and the west half of section thirty-six, in the said township of Adrian; and also, the west half of section number one, all of section number two, all of section number three, the north half of the north-west quarter of section number twelve, the north half of the north half of section number eleven, and the north half of the north-east quarter of section number ten, in the said township of Madison, is hereby set off from the said townships of Adrian and Madison, and constituted a body corporate, by the name and style of the city of Adrian, by which name it shall be hereafter known.*

Sec. 3. The said city shall be divided into four wards, as fol- Division of city.
 lows: All that part of said city embraced in the following First ward.
 described limits shall be the first ward, to wit: Commencing at
 the south-east corner of said city, and running thence northerly
 on the east line of the city to the center line of Maumee street;
 thence westerly on the center line of Maumee street to the
 center line of Main street; thence southerly on the center line
 of Main street to the center line of Church street; thence
 easterly on the center line of Church street to the center of
 the northerly continuation of State street; thence southerly on
 the center line of the northerly continuation of State street to
 the north end of the center line of State street; and thence
 southerly on the center line of State street, and on a line cor-
 responding with the center line of State street to the south
 line of the city; and thence easterly on the south line of the
 city to the south-east corner of the city. All that part of said Second ward.
 city embraced within the following described limits shall be the
 second ward, to wit: Commencing at the north-east corner of
 the city; running thence southerly on the east line of the city
 to the center line of Maumee street; thence westerly on the
 center line of Maumee street to the center line of Main street;
 thence northerly on the center line of Main street to the north
 line of the city; thence easterly on the north line of the city
 to the place of beginning. All that part of the city lying Third ward.
 north and west of the following described line shall be and
 constitute the third ward, to wit: Beginning on the north line
 of the city at the north-west corner of the second ward, as the
 same is above described, and running thence on the center line
 of Main street, southerly to the center line of Maumee street;
 and thence westerly in the center of Maumee street to the
 middle of the south branch of the River Raisin; thence
 southerly and up stream, in the middle of the channel
 of said river, to a point east of the east end of the center line
 of the street called College avenue; thence westerly on the
 center line of College avenue, and on a line corresponding with
 the center line of College avenue to Madison street; thence

Fourth ward. southerly on Madison street to Michigan avenue, and thence westerly on Michigan avenue to the west line of the city. All that part of said city lying west and south of the following described line, shall constitute the fourth ward of the city, viz: Beginning on the south line of the city at the south-west corner of the said first ward as above described, and running thence northerly on the west line of said first ward, to the center of Church street, and thence westerly on the center line of Church street to the center line of Main street; thence northerly on the center line of Main street to the center line of Maumee street; thence westerly on the center line of Maumee street to the middle of said south branch of said River Raisin; thence southerly and up stream, in the middle of the channel of said river, to a point east of the east end of the center line of College avenue; thence westerly on the center line of College avenue, and on a line corresponding with the said center line of College avenue to Madison street; thence southerly on the center line of Madison street to the center line of Michigan avenue, and thence westerly on the center line of Michigan avenue and on a line corresponding therewith, to the west line of the city.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 330.]

AN ACT to amend an act entitled "An act to incorporate the city of Wyandotte," approved March fifth, eighteen hundred and sixty-seven, being act number two hundred and ninety-seven, of the session laws of eighteen hundred and sixty-seven.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That sections four, fourteen, nineteen, twenty, thirty-six, forty-five, forty-six, forty-seven, forty-nine, fifty, fifty-one, fifty-two, fifty-six, and sixty-nine, of "An act to incorporate the city of Wyandotte," approved March fifth, eighteen hundred and sixty-seven, being act number two hundred and ninety-seven, of the session laws of eighteen hundred and sixty-seven, be and the same are hereby amended so that the same shall read as follows:*

dotte," approved March fifth, eighteen hundred and sixty-seven, be and the same are hereby amended so as to read as follows:

Sec. 4. The officers of said city shall be one mayor, one recorder, who shall be *ex officio* school inspector, one treasurer, who shall be *ex officio* collector, one marshal, two school inspectors, one director of the poor, one city attorney, three justices of the peace, one city assessor, two aldermen for each ward, and one constable for each ward; said officers shall be elected as follows, to wit: The mayor, treasurer, marshal, director of the poor, and city assessor, shall be elected annually, and shall hold their office for one year, and until their successors shall be elected and qualified. At the first annual election after the passage of this act, and at the annual election every two years thereafter, there shall be elected one recorder, who shall hold his office for the term of two years, and until his successor shall be elected and qualified; there shall also be elected, annually, one school inspector for the term of two years, and until his successor shall be elected and qualified. At the first election after the passage of this act, and at each annual election thereafter, there shall be elected one city assessor, who shall hold his office for the term of one year, and until his successor shall be elected and qualified. At the first annual election that shall take place after the passage of this act, there shall be elected three justices of the peace, one for one year, one for two years, and one for three years, and who shall severally hold their offices accordingly; at every annual election after the first there shall be elected one justice of the peace, who shall hold his office for three years, and until his successor shall be elected and qualified. The said justices of the peace shall have the like jurisdiction and powers, and be subject to the same duties and liabilities as justices of the peace in the several townships of this State. There shall also be elected at the first annual election in said city, two aldermen for each of the several wards in said city, one of whom shall hold his office for the term of one year, and the other shall hold his office for the term of two years, and until his successor shall be elected

Officers
and terms
of office.

and qualified. At each annual election after the first, there shall be elected in and for each of the several wards in said city, one alderman, who shall hold his office for the term of two years, and until his successor shall be elected and qualified; there shall also be elected at each annual election in each ward in said city, one constable, who shall hold his office for the term of one year, and until his successor shall be elected and qualified: *Provided*, That at the first election under this act, two aldermen shall be elected in each ward, one for the term of one year, and one for the term of two years, and until their successors shall be elected and qualified; and that the term for which said aldermen shall be elected, at the first election, shall be designated on the ballots: *Provided*, That no director of the poor shall be elected under the provisions of this act, until the annual charter election, in the year one thousand eight hundred and seventy.

Proviso.

Ibid.

Common council to assess expenses of drains, etc., on property.

Sec. 14. The common council shall have power to cause the expenses of making, grading, paving, or planking sidewalks, of making drains and sewers, and other local improvements, to be assessed against the owners of the lots or premises which are in front of, or adjoining such improvement, or by a general tax, as they may deem just and proper; but in all cases where such assessment or tax is assessed and levied against the lots or premises which are in front of or adjoining such improvements, the benefits to said lots or premises and the amount contained in such lot or premises shall be considered and estimated in the assessing and levying of said tax; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting of such tax; and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay for such improvements.

To pass by-laws relative to assessing taxes.

To collect poll tax.

Sec. 19. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one and under the age of fifty years, (except paupers, idiots and lunatics,) an annual capitation or poll tax not

exceeding one dollar; and in all cases where any person shall neglect or ~~refuse~~ to pay said poll tax, or to commute as hereinafter provided, he shall be liable to pay the tax aforesaid, and all costs which may be recovered in an action of debt, or in an action of assumpsit; and the common council of said city shall have full power and authority to prescribe by their by-laws and ordinances, the manner of levying, assessing and collecting said tax; but no by-law or ordinance shall prescribe imprisonment for such non-payment for a period exceeding ten days: *Pro-* Provido. *vided,* That any person assessed for a poll tax may pay the same by one days' labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, a notice of the time and place, when and where such labor will be required. Such poll tax shall be collected by the street commissioner, and paid into the city treasury, or the labor in lieu thereof shall be expended or performed under the direction of the common council.

Sec. 20. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, assessor, justices of the peace, recorder, school inspectors, director of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the common council.

Common council to perform duties of township boards.

Officers to give bonds.

Sec. 36. The officers of said corporation shall be entitled to receive, out of the city treasury, the following sums in full payment for their services: The mayor shall not be entitled to receive any compensation; the recorder and attorney shall be entitled to receive respectively, such sums as the common

Compensat'n of.

council may allow, not exceeding three hundred dollars per annum. The marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services, and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council may allow. The treasurer, justices of the peace, and constables, shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided. The street commissioner shall be entitled to receive one dollar and fifty cents per day for his services, and at the same rate for parts of days actually employed. The director of the poor and school inspectors, shall be entitled to receive such compensation as the common council may allow, not exceeding one dollar per day for every day actually employed in the performance of the duties of their respective offices. The aldermen not acting as supervisors, shall not be allowed to receive any compensation for their services.

Assessor;
powers and
duties of.

Sec. 45. The assessor of said city shall be a supervisor within and for said city, and shall have and exercise all the powers, authority, and functions of supervisors of towns, as now provided, or may hereafter be provided by law, except as herein otherwise provided; and he shall be a member of the board of supervisors of the county of Wayne, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and he shall perform as supervisor such other duties as by this act shall be required of him.

To make
annual as-
sessment.

Sec. 46. The annual assessment of property in the several wards of said city shall be made by the city assessor, as herein provided, acting as and being a supervisor thereof as above in the last section provided.

Compensat'n
of.

Sec. 47. The said assessor, acting as and being the supervisor of said city as above provided, shall receive as compensation for his services, while actually employed in his duty as assessor in the several wards, the same sum per day as supervisors or assessors performing like duties in townships are, or may be hereafter allowed by law, which compensation shall be audited

and paid by the common council of said city, by the vote and resolution of said common council.

Sec. 49. The assessor, acting as the supervisor of the several wards of said city, shall complete the several tax rolls of the several wards, and deliver the same, with his warrants thereto attached, to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax rolls; and the person so appointed shall thereupon be entitled to receive said tax rolls, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the power, and shall perform all the duties and be subject to the same liabilities in this act conferred upon the city treasurer of said city, for the purpose of the collection and return and paying over said taxes.

To complete tax rolls.

Proviso.

Proceedings when proper security is not given by treasurer.

Sec. 50. For the collection of all such taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council, not exceeding four per centum upon the sum to be collected, which sum shall be added in the computation of the taxes on said tax roll of the respective wards of said city.

Percentage allowed to collector.

Sec. 51. The assessor, acting as the supervisor of said city, shall in each and every year make out and complete the assessment of all the real and personal property within the several wards, in the same manner and within the same time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the actions of supervisors of the several townships of this State, performing like services; and in all other respects, within the several wards, he shall, unless when

Assessor to make out assessment roll.

otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof; and he shall also in each year, within fifteen days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the recorder of said city a true and certified copy of the assessment rolls of the several wards for such year, and the recorder shall receive and file the same in his office.

Council to
determine
amount of
taxes to be
raised.

Sec. 52. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes, within said city, for such year, and to apportion the sum so to be raised among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of the several wards for such year, as equalized by the board of supervisors of Wayne county, for such year, and also to notify the city assessor of said city, of the amount so apportioned to the several wards, within five days after the board of supervisors of said Wayne county shall have completed the equalization of the valuation of the property in the several wards of said city, and said townships of said county, for such year. And it is hereby made the duty of such city assessor, acting as the supervisor of the several wards of said [city,] to levy the sums so apportioned to the several wards, and such other taxes as may be required by law, upon the taxable property of such ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Assessor to
levy taxes as
apportioned.

Marshal;
powers and
duties of.

To be chief
of police.

Sec. 56. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties, as the common council shall direct and require; and he shall be chief of the police, and it shall be his duty, and he shall have the same power and

authority to serve and execute all civil and criminal processes that may or shall be lawfully delivered to him for service, to see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section eight of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons, in discharge of the duties imposed upon him by law. He may nominate one deputy, to be confirmed and approved by the common council, and who shall have power and authority to serve all processes for any violation of the by-laws or ordinances of the common council of said city, and shall have the same power to serve and execute processes in behalf of the corporation of said city, and no other. The said marshal shall have power to serve and execute processes in behalf of the people of this State, as sheriffs and constables have by law to execute similar processes, and shall be entitled to receive in the same manner, the same fees and compensation as may be allowed by law to sheriffs and constables for similar services.

To serve and execute processes.

May appoint deputy.

To have same power as sheriff.

Sec. 69. It shall be the duty of each of the justices of the peace, aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of ownership from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred in the recovery, preservation or sustenance of such property, and the expenses of advertising the same.

Justices to return stol'n property to owner.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 381.]

AN ACT to incorporate the village of Lawrence, in the county of Van Buren.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all that tract of country situated in the township of Lawrence, county of Van Buren, and State of Michigan, which is described as follows: The east half of the south-west quarter of section number nine, and the east half of section number nine; the west half of section number ten; the north half of the north-west quarter of section number fifteen; and the north half of the north-east quarter of section number sixteen, in township number three south, of range number fifteen west, be and the same is hereby constituted a village corporate, by the name of the village of Lawrence.*

Elections;
where to be
held.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution, shall meet at a hall owned by E. E. Chadwick, in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such time and place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder, and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified:

Proviso.

Provided, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Judges
and clerk of
election.

Sec. 3. At the first election to be held in said village under this act, there shall be chosen *viva voce* by the electors present, two judges and a clerk of said election, who shall form the board of election, and shall conduct the same, after having taken an oath, to be administered to them by one of their number, to

Oath of.

faithfully and honestly discharge the duties required of them as judge or clerk of said election, and certify the result in the same manner that the board of trustees are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president and recorder, and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector so voting at such election shall be written in the poll list, to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimates on the same day; and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after said election, at which last mentioned period the president and trustees shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall happen, at any time, that two or more persons shall have an equal number of votes for the same office, the president and trustees shall make as many strips of paper, of equal size, as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together into a hat, and one of the members of said board shall

Time of
opening
polls.

Illegal votes;
how dispos'd
of.

President
and trustees
to canvass
votes.

Tie; how
decided.

then draw from said hat one of said ballots, and the person who shall be upon the ballot so drawn shall be declared elected.

Recorder to
give notice
of elections.

Sec. 4. It shall be the duty of the recorder of said village to give five days' notice, in writing, by posting the same in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and, as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation before any justice of the peace or notary public of said county of Van Buren, to support the constitution of the United States and of this State, and faithfully discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Persons
elected to
take oath.

President to
preside at all
meetings of
council.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of the proceedings: *Provided*, That in the case of the absence of the president, a majority of the trustees present may elect one of their number president for the time being.

Proviso.

Body cor-
porate and
politic.

Sec. 6. The president, recorder, and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the president and trustees of the village of Lawrence, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever, and may have a common seal, and may also change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate, for the use of said corporation.

Sec. 7. The inhabitants of said village shall be liable to the operation of any or all laws relating to township government, except so far as relates to the laying out and constructing of streets and highways, and the labor to be performed thereon, within the limits thereof.

Inhabitants of village to be liable to township laws.

Sec. 8. The president, recorder, and trustees, when assembled together and duly organized, shall constitute a board of trustees of the village of Lawrence, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said trustees shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the board of trustees shall have power to impose, levy, and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officers by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offense.

Board of trustees; who to constitute.

When shall meet.

May levy fines.

Proviso.

Sec. 9. In case of death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the board of trustees, who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the electors of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Vacancies; how filled.

Sec. 10. The board of trustees shall have power to remove, at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices so often as the same may occur by death, resignation,

Ibid.

removal, or any other cause; and officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer
and marshal
to give se-
curity.

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the board of trustees shall direct and require.

Board of
trustees;
powers and
duties of.
May appoint
officers.

Sec. 12. The president and trustees shall have full power to appoint a marshal, and all other officers necessary under the provisions of this act for said village, whose elections are not provided for in this act; to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon streets, lanes, and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the board of trustees shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen, to suppress all games of chance or hazard; to compel owners of buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the board of trustees; to regulate bridges within the limits of said village; relative to protecting said village from fires; to establish fire limits, in which no wooden buildings shall be built, enlarged or placed; relative to calling meetings of electors of said village; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; relative to the keeping and sale of gunpowder in said village; relative to the restraining of swine and other animals from running at large in the streets, alleys, lanes, and other public places in said village; to establish one or more pounds for said village; to suppress billiard tables, and other gaming tables kept for hire or reward in said village; to establish lines upon which build-

Pass laws
relative to
streets.

Nuisances.

Reservoirs.

Fire
buckets.

Bridges.

Fire limits.

Shade
trees.
Sidewalks.

Swine.

Pounds.

ings may be erected, and beyond which such buildings shall ^{Building lines.} not extend, and also full power and authority to make all such by-laws and ordinances as may be deemed by the board of trustees expedient or necessary for the preventing and suppressing all disorderly and bad houses: *Provided always*, Such by-laws ^{Proviso.} shall not be repugnant to the constitution and laws of the United States and of the State of Michigan: *And provided also*, ^{Ibid.} That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published for two weeks successively, in a newspaper printed in the county of Van Buren, or by written notices posted up in three of the most public places in said village.

Sec. 18. The president and trustees shall have power to make ^{Protection from fire.} all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof against injuries by fire, and persons violating the public peace; for the suppression of riots and gambling, and for the punishment of the same; for ^{Vagrants.} the apprehension and punishment of vagrants, drunkards, disorderly and idle persons, and they shall have power to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties and for- ^{Fines, penalties, etc.} feitures on all such persons offending against the by-laws and ordinances made as aforesaid.

Sec. 14. The president and trustees shall have power to pre- ^{Liquors.} vent the vending of intoxicating liquors in said village; to reg- ^{Firewood.} ulate the measuring of fire-wood and the weighing of hay, and to prescribe and designate the stand for carters and carts, and ^{Carts.} for wood, hay, and produce exposed for sale in said village; to prevent incumbering the streets, sidewalks, alleys or public grounds or squares, also to prevent immoderate driving in said ^{Fast driving.} village, and to regulate all grave-yards and burial of the dead for said village.

Sec. 15. The president and trustees shall have authority to lay out and establish, open, make, and alter such streets, lanes, ^{Opening streets.} alleys, sidewalks, water-courses, highways and bridges, within

Taking
private
property.

May sum-
mon jury.

Jury to
assess
damages.

Compensat'n
tendered to
owner.

the limits of said village, as they may deem necessary for the public convenience; and if in doing thereof they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, or her or their agent or representative by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said board of trustees for the purpose aforesaid; and the said board of trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said board of trustees to direct the recorder of said village to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace of said village, at any time therein to be stated, to inquire into the necessity for taking or using such grounds or premises, and to ascertain and determine the just compensation to be paid therefor to the owner or owners, or parties interested in such grounds or premises, which jury, first being duly sworn by said justice faithfully and impartially to inquire into the necessity for taking or using such grounds or premises, and to ascertain and determine the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants therefor.

It shall thereupon be lawful for the board of trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from the said village, at the time of the rendition of said judgment, then within thirty days after the verdict of such jury and the judgment of said justice, as aforesaid, first giving a bond with two sufficient sureties to be approved by the justice, conditioned to pay all costs which may be awarded against him in said circuit court; and upon the filing of a transcript of the proceedings, aforesaid, duly certified by the said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs of such appeal.

Sec. 16. Any justice of the peace of the township of Lawrence is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all the offenses which shall be committed within the limits of said village against any of the by-laws, ordinances, and regulations that shall be made, ordained or established by the said board of trustees, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations shall be prescribed or directed: *Provided always*, That any persons arrested on a charge of violating any of the by-laws, ordinances or regulations as aforesaid, may demand and have a trial by jury; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Proviso.

Ibid.

Justices of the peace to determine offenses.

Proviso.

Compensat'n
of officers.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said board of trustees, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the residue of the village officers shall not receive any pecuniary compensation for their services.

Annual
statement;
contents of.

Sec. 18. The president and trustees shall, at the expiration of each year, cause to be published a true and just statement of all moneys received or expended by them in their corporate capacity, during the year next preceding such publication, and also the disposition thereof, previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the board of trustees, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Citizens may
act as jurors.

Sec. 19. In all processes, prosecutions, and other proceedings wherein the board of trustees of said village shall be a party, no citizen of said village shall be deemed incompetent as a juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Proviso.

Process;
how served.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of such corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof

Proviso.

left with the recorder, at least six days before the return day thereof.

Sec. 21. The president and trustees shall [have] full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property not exempt from taxation, within the limits of said village, necessary to defray the expenses thereof: *Provided*, That said taxes so assessed and collected, shall not exceed, in any one year, one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or levied by said board of trustees on any lands, tenements and hereditaments, or premises whatsoever, in said village, shall be and remain a lien on such lands and tenements and hereditaments, from the time of making such assessment, or imposing such tax, until paid; and the owner, or occupants, or parties in interest respectively in said real estate, shall be liable, upon demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof, to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each week, previous to such sale, or by posting three written notices in the most public places in said village; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said lands; and if the person claiming to own said lands described in the sale, shall not, within one year from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per an-

Power of trustees to levy and collect taxes.

Provided.

Taxes to be a lien on property.

Provided.

num from the date of said certificate, the said marshal, or his successor in office, shall, at the expiration of said one year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an estate in fee simple, subject to all the claims the State shall have therein, and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings therein prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence, in the same manner, and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

Assessment
roll; notice
of complet'n
of.

Time and
place of
reviewing

Sec. 22. Whenever the assessors of said village shall have completed their assessment rolls of said village, and the valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof, by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when, and the place where they will meet to hear the objections of any person interested to the valuation as made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors, within ten days thereafter, to the board of trustees, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Sec. 23. It shall be the duty of the board of trustees to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall have attached to it the proper warrant for the collection of the taxes therein levied, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Marshal to collect taxes

Sec. 24. All moneys to be raised by tax in said village shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the board of trustees.

All moneys to be paid to treasurer.

Sec. 25. No money shall be drawn from the treasury except by appropriation of the president and trustees; and all orders directing the payment of money shall specify the fund from which it is to be paid, and shall be signed by the president, and countersigned by the recorder.

How money shall be drawn from treasury.

Sec. 26. Neither the president nor any member of the board of trustees, during his continuance in office, shall become surety for the performance of any official duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Trustees not to become security, or be interested in any contract.

Sec. 27. The president and trustees shall have the power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing, ornamenting, and opening all streets, lanes, alleys, sidewalks, public squares, highways, or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the board of trustees; and the board of trustees may cause the expenses of making such sidewalks to be assessed on lots or premises adjoining such improvements. Any person obstructing any street, alley, sidewalk, highway, or public grounds in said village, who shall neglect or refuse to remove

Trustees to appoint street commissioners.

May assess expenses for making walks, etc.

Penalty for obstructing streets.

such obstructions within two days after personal notice has been given him by the marshal to remove the same, shall forfeit and pay, for the use of said corporation, five dollars and costs of suit for each day of such neglect or refusal to remove such obstruction after the two days, as aforesaid; and the said marshal may forthwith, after the expiration of the said two days, cause the obstruction to be removed at the expense of the person causing the same, or the person interested in maintaining and keeping up such obstruction; or the said marshal may, at his option, retain the possession of the property so removed, until the expenses of removing the same shall be paid or tendered to him.

Marshal to
remove
obstructions.

Sec. 28. Whenever the marshal shall be notified by any resident of said village, that any street, alley, sidewalk, public ground, or highway is obstructed, and that such obstruction is not authorized by the president and trustees, it shall be the duty of the marshal to cause such obstruction to be removed, as provided in the last preceding section.

Trustees to
organize fire
companies.

Sec. 29. The president and trustees shall have the authority to establish and organize all such fire companies, and hose, and hook and ladder companies, and furnish them with engines and such other instruments as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagration; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the board of trustees, and they may impose such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and

Proviso.

the members of such company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax on the streets or highways of said village; and it shall be the duty of every fire company to keep in good order and perfect repair the fire engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the board of trustees, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair.

Firemen
exempt from
poll tax and
jury service

Duties of
firemen.

Sec. 80. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder, and trustees, or either of them, who may be present at the fire.

Duty of
marshal at
fires.

Sec. 81. Nothing contained in this act shall be construed as requiring the construction or repairing of bridges within the corporate limits of said village, to be done at the sole expense of the inhabitants thereof, but all such expenses shall be borne in the same manner as heretofore required.

Expenses
of building
bridges;
how to be
borne.

Sec. 82. This act shall be deemed a public act.

Sec. 83. This act shall take immediate effect.

Approved March 24, 1869.

[No. 392.]

AN ACT to amend sections one, seven, thirty-two, thirty-nine, and forty-four of an act entitled "An act to incorporate the city of Jackson," approved February 14, 1857.

SECTION 1. *The People of the State of Michigan enact, That* sections one, seven, thirty-two, thirty-nine, and forty-four, of an act entitled "An act to incorporate the city of Jackson," approved February 14, 1857, be and the same are hereby amended so as to read as follows:

Sections
amended.

Boundaries.

SECTION 1: *The People of the State of Michigan enact, That so much of the county of Jackson as is embraced in the east half of section thirty-three, sections thirty-four and thirty-five, the west half of section thirty-six, the south-west quarter of section twenty-five, the south half of sections twenty-six and twenty-seven, and the south-east quarter of section twenty-eight, all in township two south, of range one west, and in the west half of section one, sections two and three, the east half of section four, the north-east quarter of section nine, the north half of sections ten and eleven, and the north-west quarter of section twelve, all in township three south, of range one west, be and the same is hereby declared to be a city by the name of "the city of Jackson," by which name it shall be hereafter known.*

Common
council;
powers and
duties of.
May appoint
officers.

Sec. 7. The common council shall have power to appoint an attorney for the city, a chief engineer for the fire department, one or more deputy street commissioners, and such other officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall also have power to remove the marshal or treasurer for any violation of the provisions of this act, or any by-law or ordinance, or for refusing to perform the lawful requirements of said common council; they may also, by a two-thirds vote of all the members of the council, remove the marshal or treasurer for the cause of inefficiency in the discharge of his duties; and in case of the death, resignation, or removal from office, or neglect to qualify or perform the duties of his office, or removal from the city, or from the ward for which he was elected, of any officer of the corporation, other than a member of the common council, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office, and all officers so appointed shall be notified and qualified as herein directed: *Provided, That the common council may at any time order a special election to fill vacancies in the office of mayor, recorder, or alderman,*

May fill
vacancies.

Proviso.

or in any office which is elective under this act; in which case the common council shall designate the time and place for holding said special election, and the same notice shall be given as at an annual election, stating the office or offices to be filled; and any person so elected shall serve for the remainder of the term of such office.

Sec. 32. The common council shall also have power and authority to levy and collect taxes on all real and personal property within the limits of said city, by them deemed necessary to defray the expenses thereof, not to exceed one-fourth of one per cent. on the valuation thereof, for the expenses of the fire department, one-eighth of one per cent. on such valuation for the support of the poor of said city, and one-half of one per cent. for the other city expenses; it shall be the duty of the common council to include in the taxes levied for the year one thousand eight hundred and sixty-nine, such additional sum, not exceeding four thousand dollars, as may be necessary to pay the indebtedness of the fire department; and it shall be the duty of said council, in each year after the year one thousand eight hundred and sixty-nine, so long as the city shall remain in debt to the amount of ten thousand dollars, to include in the taxes levied, not less than one-eighth of one per cent., nor more than one-half of one per cent. on such valuation, to be used as a sinking fund to reduce the indebtedness of the city by purchase of outstanding bonds, as the common council shall direct. The said council shall have power and authority to make and establish all necessary by-laws for the collection of said taxes; and every assessment of tax lawfully imposed by said common council on any lands, tenements and hereditaments, or premises whatever, in said city, shall be and remain a lien on such lands, tenements and hereditaments, from the time of imposing such tax until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable, on demand, to pay every such tax to be levied as aforesaid.

May levy taxes for fire department

To establish all necessary by-laws.

May assess
taxes for
streets.

Sec. 39. The said common council shall also have power and authority to levy and assess taxes upon the real and personal property within the limits of said city, to the extent that it shall be deemed necessary by the common council, not to exceed one-half of one per cent. on the valuation, for the purpose of being expended upon the streets, lanes, alleys, and public grounds of the city, in opening, working upon, repairing and grading such streets, lanes, alleys, and public grounds; and in levying and assessing the same, the said common council may vary the ratio of taxes to be raised for that purpose in the respective wards of the city; the manner of levying and collecting such taxes, and the return of property for non-payment of taxes, and the sales and redemption of the same, shall be the same, as near as may be, as other city taxes are to be assessed and collected; and it shall be the duty of the common council to expend the money so raised for the purpose aforesaid, in the respective wards of said city, according to the amount raised in each and every of said wards, and the same shall be expended by contract or otherwise, under the supervision of the marshal, acting as street commissioner, or one or more of the deputy street commissioners that may be appointed by the common council of the said city; it shall be the duty of the common council to cause estimates to be made by the city surveyor, or other competent person, and reported to the council, of the quantities, cost or expense of all work upon streets, involving an expenditure greater than one dollar per rod, of the length of the street to be improved, before it shall authorize the expenditure of any moneys therefor.

To cause
estimates of
expenses to
be made.

Money; how
drawn from
treasury.

Sec. 44. No money shall be drawn from the treasury unless it shall have been previously appropriated to that special purpose; and any order or warrant directing or requiring the payment of the same, shall specify the object and purpose of such payment, and shall be signed by the recorder, and countersigned by the mayor; but it shall be unlawful for the recorder to sign, or the mayor to countersign any such order or warrant, or any bond, contract, or other evidence of indebtedness, by which any debt

When war-
rants and
orders shall
not be drawn

against the city shall be created, incurred, or established, for any purpose beyond the amount of money then in the treasury, and the amount of taxes raised for the then current year, (or which will divert any moneys to a different purpose from that for which it has been specially raised or appropriated;) and when the aggregate amount of warrants and orders drawn, and bonds issued, contracts made, and other evidence of indebtedness established or created within and for any current fiscal year, shall be equal to the revenues of the city for such year, it shall be unlawful to make or create any further indebtedness during that year, and unlawful for the recorder to sign, or the mayor to countersign any warrant, order, or other evidence of such indebtedness; and no such indebtedness shall be created, or warrants or orders signed or countersigned, until the raising of the revenues for the next ensuing year, unless authorized by a vote of the citizens, in a public meeting assembled as hereinafter provided, and upon a special tax, authorized by a vote of said citizens at such meeting, to be called as hereinafter provided. And any offense against the provisions of this section Penalty. by the mayor or recorder, shall be deemed a misdemeanor, and upon conviction, the offender shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars. Such meeting of the citizens may be called by proclamation of the mayor, only upon the direction of the common Special taxes; how raised. council, and shall state definitely the object of the meeting, the amount of money necessary to be raised by special tax, and the purposes to which it is to be appropriated, which proclamation shall be published in all the papers of said city, at least one week before the time appointed for the meeting. If at such meeting a majority of the citizens shall vote in favor of the special tax or taxes mentioned in such proclamation, it shall be lawful for the common council to levy the same, not exceeding one-half of one per cent. in any one year, upon the taxable property of the city, and to cause the same to be collected in the assessment roll of the city, to be issued next after the levy

of such tax, and be collected in the manner provided for the collection of other city taxes.

Sec. 2. This act shall take immediate effect.

Approved March 24, 1869.

[No. 383.]

AN ACT appropriating certain non-resident highway taxes for the improvement of the Ovid and St. Charles State road.

Non-resident
highway
taxes appro-
priated.

SECTION 1. *The People of the State of Michigan enact, That* all the non-resident highway taxes assessed and unexpended for the year eighteen hundred and sixty-eight, and hereafter to be assessed for four years thereafter on all lands lying within one mile on either side of so much of the Ovid and St. Charles State road, as is situated in the township of Elba, in Gratiot county, also sections twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, and thirty-six, in the township of Hamilton, in said county, be and the same is hereby appropriated for the improvement of said State road: *Provided, That the* money so appropriated shall be expended in the townships mentioned in this act.

Proviso.

Commis'r
appointed.

Sec. 2. For the purpose of improving said road, and expending the moneys appropriated by this act, Job D. Sickels, of the township of Duplain, in the county of Clinton, is hereby appointed commissioner, whose duty it shall be to receive and expend all moneys appropriated by this act, for the improvement of said road.

Oath and
bond of.

Sec. 3. The said commissioner, before entering upon the duties of his said office, shall take and subscribe to the constitutional oath of office, and shall execute a bond to the State of Michigan, in the penal sum of three thousand dollars, with such sureties as the treasurer of Gratiot county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which oath and

bond shall be filed with the treasurer of Gratiot county. He shall receive for his services while engaged in the discharge of his duties as such commissioner, two dollars per day, which shall be audited by the board of supervisors of Gratiot county, and paid out of the fund created by this act. Compensation of commissioner.

Sec. 4. It shall be the duty of the treasurer of Gratiot county, and any overseer of highways, and the township treasurers within said county, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes, assessed within the time aforesaid upon any of the lands hereinbefore described, and pay the same only upon the order of said commissioner, or his successor in office. Treasurer to pay out money on order of.

Sec. 5. The board of supervisors of said county of Gratiot shall have power to remove said commissioner for any neglect of duty imposed, or any misapplication of money appropriated by this act. Any vacancy in said office shall be filled by the board of supervisors of Gratiot county. Board of supervisors may remove commiss'r.

Sec. 6. This act shall take immediate effect.

Approved March 24, 1869.

[No. 334.]

AN ACT for the protection of fish in the lakes known as Devil's lake and Round lake, in Lenawee county, Whitmore lake, Washtenaw county, and Brace lake, Calhoun county.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful to catch, kill, or destroy fish with seines, or with any species of continuous nets, or with any form of spears, or with any description of fire-arms, in the inland lakes known as Devil's lake and Round lake, in Lenawee county, Whitmore lake, Washtenaw county, and Brace lake, Calhoun county. Destruction of fish prohibited.

Sec. 2. It shall not be lawful for any person or persons, between the first day of December in each year, and the first day of April next succeeding, to fish with hook and line, or in When fishing to be unlawful.

any other manner, in the lakes known as Devil's lake and Round lake, in Lenawee county, Whitmore lake, Washtenaw county, and Brace lake, Calhoun county.

Penalty.

Sec. 3. Any person offending against any of the provisions of this act shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine of not over one hundred dollars, or to imprisonment in the county jail not over sixty days.

Approved March 24, 1869.

[No. 335.]

AN ACT to legalize the action of certain towns in the counties of Livingston, Washtenaw, and Wayne, in voting aid to the Detroit and Howell railroad.

Action of
townships
legalized.

SECTION 1. *The People of the State of Michigan enact, That the action of the township of Osceola, in the county of Livingston, and also that of the township of Plymouth, in the county of Wayne, in voting aid to the Detroit and Howell railroad, under the provisions of act number forty-nine, of the session laws of 1864, shall be as valid as they would have been had the meeting called for the purpose of pledging such aid, been notified and held at the place of holding the last previous annual township meeting.*

Ibid.

Sec. 2. The action of the township of Green Oak, in the county of Livingston, in voting aid to the said railroad, under the provisions of the act aforesaid, shall be as valid as it would have been had all the persons signing the request to the supervisor, for the calling of the meeting at which such aid was pledged, been electors in said township.

Ibid.

Sec. 3. The action of the township of Salem, in the county of Washtenaw, in voting aid to the said railroad, under the provisions of the act aforesaid, shall be as valid as it would have been had the notice required by the provisions of said act been

published in a county newspaper, for the full period of ten days next preceding the holding of such meeting.

Sec. 4. This act shall take immediate effect.

Approved March 24, 1869.

[No. 336.]

AN ACT to repeal act number one hundred and thirty-eight, of the session laws of eighteen hundred and sixty-five, entitled "An act to attach the county of Manitou to the county of Leelanaw, for certain judicial purposes," approved March tenth, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* Act repealed act number one hundred and thirty-eight, of the session laws of eighteen hundred and sixty-five, entitled "An act to attach the county of Manitou to the county of Leelanaw, for certain judicial purposes," approved March tenth, eighteen hundred and sixty-five, be and the same is hereby repealed:

Sec. 2. This act shall take immediate effect.

Approved March 24, 1869.

[No. 337.]

AN ACT to incorporate the village of Lisbon, in Kent and Ottawa counties.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. all that tract of country situate in the counties of Kent and Ottawa, State of Michigan, being the south-west quarter of section number nineteen, and the north-west quarter of section number thirty, of the township of Sparta, in Kent county, being township number nine north, of range twelve west, and the south-east quarter of section number twenty-four, and the

north-east quarter of section number twenty-five, in the township of Chester, Ottawa county, being township number nine north, of range number thirteen west, be and the same is hereby constituted a village corporate, to be known and designated by the name of the village of Lisbon.

Elections;
where to be
held.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet at Chubb's hotel, in said village, on the second Monday of April next, the polls to be open from nine o'clock A. M., till twelve o'clock, noon, and annually on the first Monday of March thereafter, at such place as shall be provided in the by-laws of said village, and then and there, by ballot, shall select, by plurality of votes, a president, clerk, assessor, treasurer, marshal, and two trustees of said village, who shall hold their office for one year, or until their successors are chosen and qualified; and two trustees for two years, or until their successors are chosen and qualified; and annually thereafter, as aforesaid, a president, clerk, assessor, treasurer, and marshal of said village shall be elected, who shall hold their respective offices for one year, and two trustees, who shall hold their respective offices for two years, or until their successors are chosen and qualified; but if an election of the aforesaid officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the general election.

Officers
and terms
of office.

Judges
and clerk of
election.

Sec. 3. At the first election to be held in said village, under this act, there shall be chosen by the qualified electors there present, from among their number, by a *viva voce* vote, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath, before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result

Oath of

thereof; and at each and every election thereafter to be held in said village under the provisions of this act, any two of the ^{Board of Inspectors.} trustees may be judges, and the clerk of the village, or his substitute, shall be the clerk of the election, who, together, shall constitute the board of inspectors thereof; and all such elections shall be conducted, as nearly as may be, in the same manner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided; and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the elections and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State; and it shall be sufficient to keep but one poll list at any elec- ^{Poll list.} tion held for said village; and when the inspectors, holding any election, shall have completed the canvass of votes, they shall thereupon certify and declare, in writing, the whole number of votes given for each officer, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the clerk of said village, the same or succeeding day of such election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificate shall have ^{Inspectors to determine result of election.} been so filed, the said inspectors shall complete said canvass, and determine what persons are elected to the several offices respectively, and cause said determination to be entered upon the records of said village; and if any officer shall not have ^{Tie; how determined.} been chosen by reason of two or more candidates having received an equal number of votes, the inspectors of such election shall determine, within the time aforesaid, by lot, which of such persons shall be considered elected.

Sec. 4. It shall be the duty of the clerk to give at least five ^{Clerk to give notice of election.} days' notice of the time and place of holding any election, either by posting written or printed notices in three of the most public places in said village, or by causing the same to be published in a newspaper, if there be one printed in said

Time of
opening and
closing polls.

village; and in case of a special election, such notice shall set forth the purpose and object of the election; and on the day of election, held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon of the same day; and within five days after the closing of the poll of any election, the clerk of said village shall notify each person elected of his election, and the officers elected shall enter upon their duties the ensuing Monday.

President
and other
officers to
take oath

Sec. 5. The president, and every other officer elected or appointed under the provisions of this act, shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk.

Village
board; who
to constitute

Duties of
officers.

Sec. 6. The president and trustees shall constitute a village board, a majority of whom shall constitute a quorum for the transaction of business. A less number, however, may adjourn from time to time. The president shall be the executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect one of their own number, a president *pro tem.*, who shall have all the powers and perform all the duties of the president. It shall be the duty of the clerk to attend all meetings of the village board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Body cor-
porate and
politic.

Sec. 7. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of "the president and trustees of the village of Lisbon,"

and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president or any one of the trustees of the village at least six days before the return day thereof.

Sec. 8. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, to wit: President and trustees to establish laws relative to—
For the appointment of such officers (whose election is not herein provided for) for said village as they may deem necessary, and to fix the compensation for their services, and also, Appointm't of officers.
such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the term of office of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors; to prevent and punish immoderate riding or driving in any street, and to authorize the arrest and detention of any person who shall be guilty of the same; to abate, prevent and remove nuisances; to suppress disorderly houses, and houses of ill-fame, and to punish the inmates and keepers thereof; to prevent and compel the removal of all incumbrances, encroach-

Obstructions upon walks.	ments, and obstructions upon the streets, walks, lanes, alleys, bridges, parks and public grounds within said village; to compel the owners or occupants of lots to clear sidewalks in front of, or adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons, and fireworks; to construct and regulate markets; to regulate the vending of meats, vegetables, fruit, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain one or more pounds, and to provide for the restraint of horses and cattle, sheep, swine, and other animals, geese and other poultry, and to authorize the taking up, impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding, and to punish for the rescuing the same before all costs and charges are paid; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste of water; to regulate and prohibit bathing in the public waters within said village; to purchase grounds for, and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use for burial purposes, of any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish, and settle the boundaries of all streets and alleys, and to establish grades therefor; to order and cause to be drained or filled, any low or marshy land; to cleanse and regulate any
Powder.	
Fire-arms.	
Markets.	
Hay.	
Weights and measures.	
Pounds.	
Dogs.	
Cartmen.	
Hydraulic works.	
Wells and cisterns.	
Cemeteries.	
Grades of streets.	

grounds, yards, basins, cellars, or vaults within said village that may be sunken, damp, foul, incumbered with rubbish or unwholesome, and to assess the cost and expense thereof on the premises benefited; to establish lines upon which buildings ^{Building lines.} may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to regulate the building of partition and other fences; to establish fire limits within which no wooden build- ^{Fire limits.} ing shall be moved, built or enlarged; to regulate party walls, ^{Partition walls.} chimneys, flues, and putting up of stoves and stove-pipes, and other things that may be deemed dangerous in causing or promoting fires; to purchase and keep in order fire engines ^{Fire engines.} and other fire apparatus, and construct buildings to store them; to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders, and to organize, maintain and regulate all such fire engine, hook and ^{Fire companies.} ladder, hose and bucket companies as may be deemed expedient, and may appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their by-laws and rules for the organization and government of the company, subject to the approval of the village board; to regulate the duties, powers and fees of ^{Duties of village officers.} village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks, and repairing the same; to grade the walks, streets and alleys, and ^{Grading sidewalks, streets, etc} to prescribe the manner of planking or repairing of them; the cost and expense of planking or repairing sidewalks, grading or paving streets, walks and alleys, the paving or planking to be paid by assessments on the lots in front of or adjoining either or all such improvements which shall be made: *Provided,* ^{Proviso.} That so much money belonging to the highway fund of said village as the president and trustees may direct, may be expended for grading: *And provided further,* That no more ^{Ibid.} than ten per cent. on the assessed value of any lot shall be

Bridges
sewers, etc.

Laying out
streets.

Mill races.

Auctions.

Peddlers.

Shows.

Village jail.

Census.

Levying
taxes.

collected in any one year for such purpose; to build bridges, and construct sewers, drains and culverts; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds and parks in said village; to lay out, establish, open, extend, widen, straighten, alter, close and vacate such streets, highways, alleys, lanes, water-courses, squares, market places and public parks in said village, as they shall deem necessary for the public good and convenience, under the restrictions provided for in this act; to prescribe the levying and collection of highway and other taxes; to regulate the covering of mill races, at the expense of the owners thereof; to rail and curb, when necessary, all walks at the expense of the owners of the adjoining lots; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all shops and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to provide a village jail in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-laws until the conclusion of their trial, unless admitted to bail according to law; to provide for taking a census whenever they shall see fit; to levy taxes on all personal and real estate within the limits of the village, excepting places of public worship belonging to any church or congregation, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county or State; but it shall not be lawful to levy in any one year, an amount exceeding one per centum on the assessed valuation of the real and personal property of said village, exclusive of highway and other special taxes;

and such levy of taxes as aforesaid, shall be made on or before the second Monday of November of each and every year. For the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Sparta, and any interest the inhabitants of said village may have in the fine or penalty to be recovered, shall not disqualify any of them to try said cause, or to serve as a juror or witness therein; and the circuit court of the county of Kent shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Imposing penalties.

Sec. 9. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two successive weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the records of said corporation, shall be *prima facie* evidence of such publication.

When any ordinance shall take effect.

Sec. 10. All taxes levied upon real estate, and all assessments made thereon for the opening, widening, extending, paving, grading, planking or repairing of any street, alley or sidewalk, and all highway taxes shall be and remain a lien upon said real estate until the same is paid.

Taxes to remain a lien on real estate.

Sec. 11. The president and trustees shall, at the expiration of each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against the village, or accounts with it, not previously audited, and shall

Annual statement; contents of.

make out in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the president and trustees, and the object and purpose for which the same were made; the amount of money expended under such appropriations; the amount of taxes raised; the amount expended on streets; the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village, and such statement shall be placed on file in the office of the village clerk, and subject to inspection at any and all times by the citizens of said village.

Accounts to
be verified
by affidavit.

Sec. 12. Before any account or demand shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper date in detail, which affidavit may be taken and certified by any member of the village board, or by any person authorized to administer oaths.

Assessment
roll; con-
tents of.

Sec. 13. The assessor of said village shall, once in each year, and on or before the second Monday of May, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and the name of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice by publishing thereof, either in some newspaper printed in said village, or by posting the same up in three public places in said village, of the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved, may be

Notice of
time and
place for
reviewing.

heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor and president and trustees shall immediately proceed to estimate, apportion and cause to be set down, in a column opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself; any special tax or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself, opposite the proper description; any capitation or poll tax authorized by this act may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes; and they shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of the goods and chattels of such person or persons, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the president and trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Marshal to collect unpaid taxes.

Distress and sale of property.

Sec. 14. If any person or persons shall refuse or neglect to pay the sum or sums at which he, she, or they shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and

Marshal authorized to sell property for taxes.

Surplus re-
turned to
owner.

Return
of unpaid
taxes.

required to levy the same by distress and sale of the goods and chattels of the persons to whom the same is assessed, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax and assessment, with the charges of distress and sale thereon, the surplus shall be paid to the owner or owners of such goods and chattels, on demand; and in case the marshal shall be unable to collect any of the taxes mentioned in said roll, or copy thereof, up to the time mentioned in the warrant and renewal thereof, he shall make in said roll, or copy thereof, or permanently attach thereto a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid; and further, that he has not been able to collect the same, nor, upon diligent inquiry, to discover any goods and chattels subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver said roll, or copy thereof, with the statement, as above mentioned, to the treasurer of said village within five days thereafter; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien thereon until the same is paid.

Marshal to
sue persons
for taxes.

Sec. 15. Whenever any tax assessed upon personal property, under the provisions of this act, shall be returned by the marshal for non-payment, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax; and in case any person liable to pay such tax upon personal property shall have removed out of the village after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect

such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

Sec. 16. Whenever any real estate shall have been returned by the marshal for delinquent taxes, the treasurer of said village shall preserve a list of the same; and if any such taxes or assessments upon real estate returned for non-payment of taxes as provided in section fourteen of this act, and the interest thereon to be computed at the rate of twenty per cent. per annum until paid, shall remain unpaid for the period of one year from the date of the warrant to the marshal as aforesaid, the said treasurer shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least six weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of said publication, recorded in the manner prescribed in section nine of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Proceedings when taxes remain unpaid for one year.

Sec. 17. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed of the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty per cent. per

Treasurer to sell lands.

Certificate of purchase.

annum from the date of said certificate, the treasurer, or his
 Conveyance. successor in office shall, at the expiration of the said one year,
 execute to the purchaser, his heirs or assigns, a conveyance of
 the land sold, which conveyance shall vest in the person or
 persons to whom it shall be given, an estate in fee simple:
 Proviso. *Provided*, All proceedings connected with the raising and levy-
 ing such tax, and the sale for the non-payment thereof, are
 according to law; and the said conveyance shall be *prima facie*
 evidence that the sale was regular, according to the provisions
 of this act; and every such conveyance executed by the said
 Conveyance may be used in evidence. treasurer under his hand and seal, witnessed, acknowledged,
 and recorded in the usual form, may be given in evidence in
 the same manner as a deed regularly executed and acknowledged
 by the owner, and duly recorded.

Fees of
 treasurer.

Sec. 18. The treasurer of said village shall receive the same
 fees, in cases of sale, as aforesaid, as are allowed by law to
 county treasurers for like services; and the expenses for the
 advertising of any land for sale, in pursuance of this act, shall,
 by the treasurer, be added to such taxes respectively, as are
 charged upon lands delinquent for State and county taxes.

Money; how
 drawn from
 treasury.

Sec. 19. No money shall be drawn from the treasury except
 by appropriation of the president and trustees, and orders
 directing the payment of any and all sums of money, shall
 specify the object and purpose of the same, and the fund from
 which it is to be paid, and shall be signed by the clerk, and
 countersigned by the president.

Trustees not
 to become
 security or
 be interested
 in any con-
 tract.

Sec. 20. No member of the board of trustees, during his
 continuance in office, shall become security for the performance
 of any official act or duty to be done or performed by any per-
 son elected or appointed to any office, under the provisions of
 this act; and during the time for which he may be elected a
 member of said board, he shall not be interested, directly or
 indirectly, in any contract or purchase, the expense or consid-
 eration whereof is to be paid out of the village treasury.

Highway
 fund; how
 kept.

Sec. 21. All moneys assessed and raised for highway pur-
 poses shall be kept a fund separate and distinct from the gen-

eral fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Sec. 22. No officer appointed by the president and trustees ^{Appointed officers.} shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may re- ^{Bonds of.} quire of them, and any other officer who may be elected under the provisions of this act, such security, by bond, for the performance of the duties of their respective offices, as shall be deemed expedient, which bond shall run to the treasurer of the corporation, and his successors in office; and a suit may be ^{Suit against; how brought} brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear and determine the same.

Sec. 23. The marshal shall have general supervision of the ^{Marshal; duties of.} village, and shall see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or any ^{To enter gaming houses.} building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed any breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or ^{To arrest disorderly persons.} felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the aforesaid townships of Sparta or Chester, who shall try, hear, and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies with powers similar to his own: *Provided*, That nothing in this act ^{Proviso.} shall be construed into his serving processes issued by justices of the peace in civil cases.

Sec. 24. The marshal shall, at all times, be subject to the supervision and control of the president and trustees, in the ^{To be subject to control of trustees.} discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect

to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Resignat'ns;
to whom
made.

Sec. 25. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the president and trustees, subject to their approval or acceptance.

Sec. 26. If any officer, elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office, under the provisions of this act, shall neglect to file his oath of office, as in this act directed, or shall neglect to file an official bond when the same is required, such neglect may be deemed a refusal to serve; and in case of such neglect, the president and trustees may proceed immediately to cause such office to be supplied as in case of a vacancy.

Vacancies;
how filled.

Sec. 27. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all other cases of vacancy, the same may be filled by appointment by the president and trustees for the unexpired term.

Compensat'n
of officers.

Sec. 28. The president and trustees shall not receive any pecuniary compensation for their services, except while acting as judges of election, and when determining what persons are elected thereat, for which services they shall be entitled to the same compensation as is or shall be allowed by law to inspectors of election in the several townships of this State; the clerk, assessor, treasurer, marshal, and all officers appointed by the president and trustees, shall be entitled to such compensation for their services as the president and trustees shall from time to time direct, by resolution entered upon their records.

Use o jail
allowed to
corporation.

Sec. 29. The corporation shall be allowed the use of the common jail of the county of Kent for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff of said county of Kent, as in other cases: *Provided*, The county shall in no

Proviso.

manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Sec. 30. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the aid and assistance of citizens to aid in extinguishing any fire.

Firemen exempt from poll tax and jury service.

Sec. 31. The president and trustees shall be the commissioners of streets and highways within the limits of the village, and shall have the same power and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding five hundred dollars, nor less than one hundred and fifty dollars in any one year; and no other highway taxes shall be levied and collected in said village, except that every male inhabitant, above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section thirty of this act, and other persons who are by law exempt, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the time of demand by the marshal, shall forfeit to the use of said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt before any justice of the peace of the township of Sparta, or of any other township in this State, to which any such person shall have removed; and the president and trustees shall cause a list to be made and delivered to the marshal on or before the second Monday of May, in each year, of all persons liable to pay

Trustees to be commissioners of highways.

Poll tax; how collect'd

Trustees to make list of persons liable to pay.

Proviso.

said poll tax; and the president and trustees shall have exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year.

Proceedings
when private
property is
taken, etc.

Notice to
owner.

Summoning
of jury.

Jury to
assess
damages

Sec. 32. Whenever the lands of any person shall be required to be taken for the constructing, opening, extending, widening, or straightening of streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks, drains or sewers within the limits of said village, the president and trustees shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises, and if such person or persons refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the townships of Sparta or Chester to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by such justice, faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and

compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered to the claimant or claimants thereof, before such street, highway, alley, lane, water-course, drain, sewer, square, market-place or public park shall be made, opened, extended, widened or straightened. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to the said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Sec. 33. All moneys received for licenses granted to tavern keepers or common victualers, under the provisions of this act, shall be paid to the treasurer of said village, to be credited the same as other licenses.

Sec. 34. No person shall be eligible to any office in this corporation, unless he shall have resided in said village six months

Compensat'n
tendered to
owner.

Proviso.

Ibid.

License
money; to
whom paid

Who eligible
to office.

next preceding his election, and shall be entitled to vote therein.

Public act. **Sec. 35.** This act shall be favorably construed and received in all courts as a public act, and copies thereof printed under the authority of the Legislature, shall be received as evidence without further proof.

Sec. 36. This act shall take immediate effect.

Approved March 24, 1869.

[No. 338.]

AN ACT to authorize the assessment and collection of a tax to defray the expense of grading Cedar street, in the city of Lansing.

Common
council au-
thorized to
assess tax.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Lansing be and is hereby authorized and empowered to assess a tax to defray the expense of grading Cedar street, in said city, said tax to be assessed in the following manner:

To cause a
re-survey of
street to be
made.

First. A re-survey of the said street shall be made by the city engineer of said city, or by some competent engineer employed by the council for the purpose, who shall make out and report to the council an estimate of the whole number of cubic yards of earth excavated in the grade of said street, and an estimate, as near as may be, of the whole number of cubic yards of earth removed from the said Cedar street into the approach to the bridge across Grand river, on Michigan avenue.

To deter-
mine cost of
excavation.

Second. From the estimate thus furnished of the excavation made in the street, the common council shall determine the amount of the cost of said excavation, made as aforesaid, in grading said Cedar street, at the price per cubic yard contracted by the city to be paid for the same, to which amount they shall add the other expenses incurred in making the im-

provement, and the interest accrued upon the orders or warrants of the city clerk of said city for the same, and that are still outstanding, and the sum shall be the amount to be assessed.

Third. The common council shall thereupon make an order, reciting the improvement and designating the points between which it was made, the amount of the expense to be assessed for the making of said improvement, the amount paid per cubic yard for excavation in the same, and, as near as may be, the number of cubic yards of earth removed from said Cedar street into the approach to Michigan avenue bridge; which order shall be directed to a person who shall be previously appointed by the Governor as a commissioner to act in the premises, and who shall not be a resident of said city, or of the county of Ingham, nor an owner of any real estate in said city. To direct order to commissioner.

Fourth. The person appointed by the Governor as aforesaid, after filing his acceptance in the city clerk's office of said city, and taking and subscribing an oath, before some officer by law authorized to administer the same, that he is not a resident of said city or county, and not the owner of any real estate in said city, and that he will faithfully and impartially perform the duties imposed upon him by this act, shall receive the said order, and shall proceed to make and complete, within a reasonable time, a statement of the amount of the said expense that shall be paid by the bridge fund of said city, for earth taken from said street into Michigan avenue bridge approach, and of the amount, if any, of the expense that shall be paid from any other fund or funds of the said city, and the balance of the said expense he shall assess to the owners or occupants of the lots, parts of lots, and lands which he shall deem to be benefited by the said improvement, in proportion, as nearly as may be, to the advantage which each shall be deemed by him to have acquired by the grading of the said street, and shall proceed to make an assessment roll, in which shall be entered the Commis'r to take oath. To determine amount of expenses. To make an assessment roll.

Contents of. names of the persons, and the descriptions of the property assessed, and the amount assessed to each of them respectively; and in case any property to be assessed shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such property to be assessed shall belong to a non-resident, or owners unknown, the same shall be entered accordingly, with a description of the same; and in the making of the said statement and assessment, the commissioner shall make the apportionment and distribution as he shall deem equitable and just, and he may take into consideration everything pertaining to the making of the said improvement, and the manner heretofore adopted and carried out in making similar improvements in said city, and in assessing the expenses of the same, and may take such measures as he deems best for ascertaining the same, and for that purpose may examine the records and papers of the said city.

**To return
roll to coun-
cil.**

Fifth. When the statement and assessment roll shall be completed, the commissioner shall, as soon as may be, subscribe the same, and return them to the common council of said city, and the mayor of said city shall affix to the assessment roll his warrant for the collection thereof, which warrant shall direct the treasurer of said city to collect the same within the time prescribed by the common council; and the said assessment roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within ten days after the said warrant shall be affixed thereto.

**Treasurer to
collect am'ts
assessed.**

Sec. 2. When the assessment shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, as provided in section one of this act, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property in possession of the person chargeable with such tax, in the manner required by law; and in case sufficient personal

**May take
private
property.**

property cannot be found whereon to levy and collect such tax, ^{To make return of unpaid taxes} the treasurer shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, together with the descriptions of the premises assessed for such unpaid taxes, and the city clerk shall, within five days thereafter, in like manner notify the city assessor of the amount of such taxes and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of such ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold or forfeited for the non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Sec. 3. If any tax, or any part thereof, assessed upon any premises in any assessment heretofore made to defray the expense of grading the said Cedar street has been paid and shall not have been refunded, it shall be the duty of the said treasurer to apply the amount paid upon the former assessment upon the assessment provided for by this act, and to make a minute thereof upon the roll, and such assessment shall, to the extent of such payment, be deemed paid and satisfied, and the person to whose assessment such former payment is applied cannot have the same refunded, unless such former payment is more than the assessment to which it is applied, in which case he may have the excess refunded; and in such case the person owning the property at the time the former payment is applied upon the assessment provided for by this act, shall be the person entitled to the amount to be refunded. ^{Previous payments to be credited to owners}

Sec. 4. If the person appointed by the Governor, under this act, shall refuse or neglect to accept the appointment, by filing a written acceptance in the office of the city clerk of said city, within twenty days after his appointment, the Governor shall appoint another person, and shall continue to appoint until ^{Proceedings in case commissioner appointed refuses to accept.}

some person shall accept the appointment and perform the duties required by this act.

When war-
rant may be
renewed.

Sec. 5. If for any reason the assessment shall not be collected within the life of the warrant of the mayor of said city, or if the same shall be declared by the courts to be illegal, a new assessment may be made, either by the same person, or by another person appointed by the Governor, as is provided for the appointment of the first; or the common council may direct the mayor to attach a new warrant to the same roll, except in case the assessments therein shall have been determined by a court of competent jurisdiction to be illegal, extending the time for its collection, and the same may be done, and the same proceedings had from time to time, until the expenses of the improvement are paid.

Compensat'n
of com'r.

Sec. 6. The commissioner shall receive as compensation for his services, five dollars per day, for the time actually employed in making the assessment, and in going from his residence to the said city of Lansing, and returning, to be paid from the contingent fund of said city.

Sec. 7. This act shall take immediate effect.

Approved March 24, 1869.

[No. 339.]

AN ACT to provide for the laying out, establishing, and construction of a certain State road in the county of Lapeer.

Commis'rs
appointed.

SECTION 1. *The People of the State of Michigan enact, That* Dike Cooley, Jacob N. Miller, Henry Stephens, George Smith, and Tobias Price, in Lapeer county, be and they are hereby appointed commissioners to lay out, establish, and construct a State road, commencing at the village of Almont, in the said

county of Lapeer, running west as near as the variation of the land will admit, through the township of Dryden, thence into the township of Metamora, to a point on the territorial road called Pike's Peak.

Sec. 2. It shall be the duty of said commissioners on or Duties of. before the first Monday in July, one thousand eight hundred and sixty-nine, to assemble at the house of Jacob N. Miller, in the township of Dryden, in the county of Lapeer, and proceed to lay out and establish said road, and cause the same to be surveyed, and described and filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road.

Sec. 3. The said commissioners shall be paid each the sum of Compensat'n of com'rs. one dollar and fifty cents per day, and the same shall be paid equally by the respective townships through which said road shall run or pass.

Sec. 4. It shall be the duty of the commissioners of highways How road shall be worked in any organized township through which the road shall pass, to open and work the same in the same manner, and by virtue of the same laws as township roads are required to be opened and worked.

Sec. 5. It shall be the duty of the commissioners appointed Commis'rs to give bonds. or created by the provisions of this act, before they shall enter upon the duties of their said office, to make and execute a bond with two sureties, in the sum of two thousand dollars, conditioned upon the faithful disbursement of all moneys that may come into their hands by virtue of their said office, said bonds to be approved by the supervisors of the several townships through which said road is to be constructed, and the

same placed on file in the office of the county clerk of Lapeer county.

Approved March 24, 1869.

[No. 340.]

AN ACT to incorporate the village of Spring Lake.

Boundaries. **SECTION 1.** *The People of the State of Michigan enact, That all that portion of fractional sections numbered fifteen, sixteen, and twenty-two, in township eight north, of range sixteen west, as lies between the center waters of Grand River and the center waters of Spring Lake, be and the same is hereby organized into a village corporate by the name of the village of Spring Lake.*

Officers and their terms of office. **Sec. 2.** *The officers of said village shall consist of a president, recorder, treasurer, three trustees, marshal, and street commissioner, to be elected by a plurality of votes, by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State, and who shall hold their office for the term of one year, and until their successors are elected and qualified; and the common council are hereby authorized and empowered to appoint such other officers as may be necessary under the provisions of this act. The election of the officers provided for shall be held at the school-house in said village, on the second Monday in April next, and on the second Monday in April annually thereafter, at such place in said village as the common council thereof may appoint for that purpose.*

Board of inspectors; who to constitute. **Sec. 3.** *At the first election to be held in said village under this act, Hunter Savidge and R. A. Haire shall be the judges, and Henry Y. Bell clerk of said election, who, together, shall constitute the board of inspectors thereof; and in case of ab-*

sence of any of the board, the members present shall fill the Oath of vacancy, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election, and certify the results thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the president and one trustee to be chosen by the common council, shall be the board of inspectors thereof, and the recorder shall be the clerk of such board, and they shall be entitled to the same compensation as other inspectors of elections.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at nine o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, and no longer; the name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the board of inspectors thereof; after the close of the polls of such election, the board of inspectors shall proceed, without delay, publicly, to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors' names contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall certify and declare the number of votes so given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes for any office, shall be

Time of opening and closing polls.

Illegal votes; how dispos'd of.

President and trustees to canvass votes.

same placed on file in the office of the county clerk of Lapeer county.

Approved March 24, 1869.

[No. 340.]

AN ACT to incorporate the village of Spring Lake.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all that portion of fractional sections numbered fifteen, sixteen, and twenty-two, in township eight north, of range sixteen west, as lies between the center waters of Grand River and the center waters of Spring Lake, be and the same is hereby organized into a village corporate by the name of the village of Spring Lake.*

**Officers and
their terms
of office.**

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, three trustees, marshal, and street commissioner, to be elected by a plurality of votes, by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State, and who shall hold their office for the term of one year, and until their successors are elected and qualified; and the common council are hereby authorized and empowered to appoint such other officers as may be necessary under the provisions of this act. The election of the officers provided for shall be held at the school-house in said village, on the second Monday in April next, and on the second Monday in April annually thereafter, at such place in said village as the common council thereof may appoint for that purpose.

**Board of
inspectors;
who to con-
stitute.**

Sec. 3. At the first election to be held in said village under this act, Hunter Savidge and R. A. Haire shall be the judges and Henry Y. Bell clerk of said election, who, together, shall constitute the board of inspectors thereof; and in case of ab-

sence of any of the board, the members present shall fill the ^{Oath of} vacancy, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election, and certify the results thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the president and one trustee to be chosen by the common council, shall be the board of inspectors thereof, and the recorder shall be the clerk of such board, and they shall be entitled to the same compensation as other inspectors of elections.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at nine o'clock in the forenoon, and ^{Time of opening and closing polls.} shall be continued open until four o'clock in the afternoon of said day, and no longer; the name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the board of inspectors thereof; after the close of the polls of such election, the board of inspectors shall proceed, without delay, publicly, to count the ballots unopened, and if the number of ballots so counted shall exceed ^{Illegal votes; how dispos'd of.} the number of electors' names contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed im- ^{President and trustees to canvass votes.} mediately and publicly to canvass and estimate the votes given at such election, and shall certify and declare the number of votes so given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes for any office, shall be

same placed on file in the office of the county clerk of Lapeer county.

Approved March 24, 1869.

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AN ACT to incorporate the village of Spring Lake.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That all that portion of fractional sections numbered fifteen, sixteen, and twenty-two, in township eight north, of range sixteen west, as lies between the center waters of Grand River and the center waters of Spring Lake, be and the same is hereby organized into a village corporate by the name of the village of Spring Lake.*

Officers and their terms of office. Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, three trustees, marshal, and street commissioner, to be elected by a plurality of votes, by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State, and who shall hold their office for the term of one year, and until their successors are elected and qualified; and the common council are hereby authorized and empowered to appoint such other officers as may be necessary under the provisions of this act. The election of the officers provided for shall be held at the school-house in said village, on the second Monday in April next, and on the second Monday in April annually thereafter, at such place in said village as the common council thereof may appoint for that purpose.

Board of inspectors; who to constitute.

Sec. 3. At the first election to be held in said village under this act, Hunter Savidge and R. A. Haire shall be the judges and Henry Y. Bell clerk of said election, who, together, shall constitute the board of inspectors thereof; and in case of ab-

sence of any of the board, the members present shall fill the Oath of vacancy, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election, and certify the results thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the president and one trustee to be chosen by the common council, shall be the board of inspectors thereof, and the recorder shall be the clerk of such board, and they shall be entitled to the same compensation as other inspectors of elections.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at nine o'clock in the forenoon, and Time of opening and closing polls. shall be continued open until four o'clock in the afternoon of said day, and no longer; the name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the board of inspectors thereof; after the close of the polls of such election, the board of inspectors shall proceed, without delay, publicly, to count the ballots unopened, and if the number of ballots so counted shall exceed Illegal votes; how dispos'd of. the number of electors' names contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed im- President and trustees to canvass votes. mediately and publicly to canvass and estimate the votes given at such election, and shall certify and declare the number of votes so given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes for any office, shall be

Tie; how
decided.

declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office, the board of inspectors of such election shall prepare as many strips of paper of equal size as there are persons having an equal number of votes, and shall write the name of one of each of said persons on one of each of said slips, and put the same together in a box, and one of the said board shall be blindfolded, and proceed to draw from said box the said slip, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Recorder to
give notice
of elections.

Sec. 5. It shall be the duty of the recorder of said village to give ten days' public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and no person shall be permitted to vote at any such election, unless he is possessed of all the qualifications of an elector, under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election.

To notify
persons of
their elect'n.

The recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause a certificate of such oath to be filed with the recorder of said village within ten days after he shall have been notified of his election. If the qualification of any person offering to vote at such election shall be questioned, the same shall take one of the oaths prescribed by the general election laws of the State, which may be administered by any member of said board; and any person who shall swear falsely, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of this State.

Persons
elected to
take oath

What to be
deemed
perjury

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of common council of village of Spring Lake, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of said corporation.

Sec. 7. The common council shall have power to appoint such officers necessary under the provisions of this act for said village, whose elections are not herein provided for, as they may deem necessary, who shall hold their office one year, unless sooner discharged on proof of inefficiency in office, and in case of vacancy, for the unexpired term of one year. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Sec. 8. It shall be the duty of the president to preside at all meetings of the common council, and in case of his absence, the common council may appoint one of their own number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings, and his compensation for such service shall be a salary not exceeding fifty dollars per annum.

Sec. 9. It shall be the duty of the treasurer to act as collector of the village, to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his

hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be not less than two nor more than four per cent. commission on all sums so collected and disbursed by him, as the common council may determine.

Marshal.

Sec. 10. The marshal shall be a police constable, and shall serve any and all papers that may be issued by any justice of the peace of the township of Spring Lake, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities, as are provided for constables in the discharge of their duties, by the laws of this State; and the village corporation shall not be liable to him for any other compensation for services.

Officers to
give security

Sec. 11. The treasurer, marshal, and street commissioner shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trust reposed in them, as the common council shall direct and require.

Common
council;
who to con-
stitute.

Sec. 12. The president, recorder, and trustees, when qualified and assembled together, shall constitute the common council of the village of Spring Lake, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint; and they shall have power to impose, levy, and collect such fines as they may deem proper, for non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance and neglect of duty: *Provided*, That no such fine shall exceed five dollars for any one offense.

When shall
meet.

May levy
fines.

Proviso.

Vacancies;
how filled.

Sec. 13. In case of the death, resignation, or removal of the president, recorder, or any of the trustees, or other officers elected by the electors of said village, such death, resignation,

or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and fill the same by appointment at any regular meeting.

Sec. 14. The inhabitants of said village shall be liable to the operation of any and all laws relating to the township government, except as far as relates to laying out, altering, vacating and constructing streets, highways, and bridges, and the labor to be performed thereon within the limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem necessary to be performed upon the streets, highways, and bridges in said village, and for that purpose they are hereby vested with the same powers given by law to the commissioners of highways, and may levy a poll tax, not exceeding one dollar, upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed; and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner provided by section twenty-seven of this act: *Provided*, Such highway tax shall not exceed one day for every two hundred dollars' valuation, exclusive of poll tax.

Inhabitants of village to be liable to township laws.

Common council may levy taxes for streets.

Taxes to be a lien on property.

Proviso.

Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, and other officers; relative to the time and manner of working upon the streets, lanes, and alleys of said village; relative to the manner of assessing, levying, and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the

Common council may pass laws relative to—

Streets.

Nuisances.

Reservoirs.	same; to construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen, auctioneers, peddlers, and transient retail dealers in merchandise; to suppress all games of chance and hazard; to regulate bridges within the limits of said village; relative to protecting the village from fires; relative to calling meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to restraining swine, horses, and other animals, geese, and other fowls, from running at large in the streets, lanes, alleys, and other public places in said village; to regulate and establish one or more pounds in said village; to make all necessary rules and regulations relative to the grading of streets, alleys, and lanes, and sidewalks within the limits of said village, and to prescribe the grades upon which the same shall be built, and the width and manner of building the same; to cause the streets and sidewalks within the limits of said village to be graded and properly improved, and to impose taxes and assessments for that purpose within the limits of said village, in the manner hereinafter provided; and to regulate and suppress all billiard tables, and all other gaming tables kept for hire, gain or reward in said village; and, also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing or suppressing all disorderly or bad houses: <i>Provided always</i> , Such by-laws shall not be repugnant to the constitution and laws of the United States or of the State of Michigan: <i>And provided also</i> , That no by-law or ordinance of said corporation shall have any effect until the same shall have been published one week in a newspaper printed in the county of Ottawa, or by written or printed notices posted up one week in three of the most public places in said village.
Shows.	
Peddlers.	
Gaming.	
Fires.	
Gunpowder.	
Pounds.	
Grading streets.	
Sidewalks.	
Billiard tables.	
Proviso.	
Ibid.	
Cemeteries.	Sec. 16. The common council shall have coördinate power with the town board over the cemeteries and burial places of the dead, within the limits of said village; to cause the same to be properly prepared, enclosed or ornamented; to make all needful rules and regulations respecting the same, and the man-

agement thereof; and to levy and collect taxes upon the taxable property of said village, to pay all necessary expenses incurred in so doing; and also to make rules and regulations concerning shade and ornamental trees along the line of the streets and sidewalks of said village. ^{Shade trees.}

Sec. 17. The common council shall have power to make all such by-laws and ordinances as they may deem necessary to secure said village and the inhabitants thereof against injuries by fire, and persons violating the public peace; for the suppression of riots and gaming, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village, and the inhabitants thereof; and to impose all fines, penalties, or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid. ^{Protection from fires.} ^{Riots.} ^{Safety of village.}

Sec. 18. The common council shall have authority to lay out and establish, vacate, open, make and alter such streets, alleys, sidewalks and highways within the limits of said village, as they may deem necessary for the public convenience; and if, in the exercise of their power, they shall require the grounds of any person, they shall give notice thereof to the parties interested, his or their agent or representative, by personal service or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, when the subject matter contained in said notice is to be acted on; and the said common council are hereby authorized to treat with such persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village, and it shall be his duty to give notice, in the manner hereinafter mentioned: ^{Opening streets.} ^{Taking private property.} ^{Proceedings when owner refuses to sell.} ^{Contents of notice.}

First. That the said village will, on some future day, not more than thirty days from the date thereof, (giving the day ^{Summoning of jury.}

and hour,) apply to some justice of the peace of the township of Spring Lake, (naming him,) to empanel a jury to assess and determine the compensation to be made for the private property to be taken;

Description
of property.

Second. And it shall contain a general description of the property intended to be taken, and shall state the object or purpose, or nature of the public use for which the same is to be taken;

Owner to ap-
pear before
justice.

Third. Such notice shall notify the owner, and all concerned, to appear before such justice of the peace, at the time and place specified, and then and there attend to their interest in the matter of such disposition of said property;

Time of
posting
notices.

Justice to
cause jury
to be em-
paneled.

Fourth. Such notice shall be posted up in three public places in said village at least ten days before the day mentioned for such appearance. Upon filing an affidavit of the posting of such notice, as aforesaid, with the justice therein named, said justice shall, at the time mentioned therein, proceed to cause a jury to be empaneled for the assessment and determination of the compensation aforesaid; said justice shall direct the marshal of said village, or any constable of the township of Spring Lake, residing in said village, to prepare a list of twenty-four disinterested freeholders, who are competent to serve as jurors in courts of record. From such list the village attorney, or other person representing said village, may strike out six names, and the owner or owners of property claiming compensation, or their representatives, may strike out six names; and in case such owners do not appear, or, appearing, refuse or neglect to strike out such names, or said village or both or either of said parties refuse or neglect to strike out such names, the said justice shall strike the same out, and the remaining twelve persons shall constitute the jury; the said justice shall thereupon issue a *venire* for the persons whose names are left remaining on said list, returnable not more than three days from the time of issuing the same, which *venire* shall be served the same as such process in civil cases, pending before a justice of the peace, is directed to be served, and the

Attendance
of jurors;
when may
be enforced.

attendance of such jurors may be enforced, and their failure to attend punished in the same manner as in civil cases in justices' courts; in case all the persons chosen as jurors and named in the *venire* do not attend, and their attendance cannot be enforced for any case, the said justice shall cause the officer mentioned to summon talesmen, until the full number of twelve jurors of proper qualifications under this act is completed. Such jury shall be sworn to inquire into the just value, and to determine the compensation which should be made to owner or persons interested, on account of the proposed improvement, and to make a just estimate and determination thereof, and award to such owner or persons interested, his or their just compensation for the property to be taken for the public use as aforesaid. The jury shall proceed to view the place where the proposed improvement is to be made, and shall view the lands and premises to be taken for the public use, and evidence of value may be given before said jury in presence of and under the direction of said justice; and the said jury shall ascertain the just compensation which ought to be made to the owner or persons interested, and shall also consider the benefit which said improvement will be to such owner, and shall only award as compensation, the damage he or they may sustain, or value of the property so taken, after deducting therefrom the estimated amount of such benefit. The jury shall render their verdict in writing, which shall be signed by each of them, and be delivered to said justice, and said jury shall thereupon be discharged; or, failing to agree on a verdict, they may be discharged as in like cases in justices' courts. At the time of receiving said verdict the justice shall enter the same in full in his docket, and shall thereunder certify that the entries by him made in said matter are full and complete. The said justice shall thereupon file a copy of the proceedings, as they appear upon his docket, with the recorder of said village, who shall lay the same before the common council as soon thereafter as practicable. The common council shall thereupon cause the several sums so awarded as compensation, to be paid to the

Jury to be sworn.

Jury to award compensation.

Council to tender compensation

After payment, village to own property.

Council to pay justice, jury, etc., for services.

Proviso.

party or parties entitled thereto, and deliver the same to such person or persons, his, her, or their agent or attorney. Upon the payment of the compensation awarded, as aforesaid, and after tender to such person or persons of the payment of the sum or sums awarded, as aforesaid, the said village shall become vested with the lands and premises so taken for the public use, as aforesaid; and may proceed to occupy the same, and use and improve the same. The said common council shall pay to said justice, marshal, or constable, and jury, such reasonable compensation for their services as they may deem just, and they shall have power to discontinue proceedings before said justice, under this title, at any time before the award of said jury: *Provided*, That as to the necessity to take and use such private property for public use the determination of such jury shall be final, but the question of amount of damages to be awarded shall be subject to appeal to the circuit court of the county of Ottawa, upon the same proceedings as are provided by general laws for appeals of causes from justices' courts.

Common council may regulate measuring firewood.

To appoint sealer of weights and measures.

Sec. 19. The common council shall have power to regulate the measure of fire-wood and the weighing of hay, and to prescribe and designate the stand of carts, wagons and drays, and for wood, hay, and produce exposed for sale in said village; to appoint a sealer of weights and measures; to prevent and punish inordinate driving in any of the streets of said village; to prevent the incumbering of the streets, sidewalks, alleys, public grounds or squares, and to provide for ornamenting the public grounds of said village.

Corporation to be allow'd use of county jail.

Sec. 20. The corporation of the village of Spring Lake shall be allowed the use of the common jail of the county of Ottawa, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by the recorder, for violation of any by-law or ordinance of said common council shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases.

Sec. 21. Any justice of the peace of the township of Spring Lake is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all the offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances, and regulations that shall be made, ordained or established by the said common council in pursuance of the powers granted to them in this act, and to punish the offenders as by the said by-laws, ordinances or regulations shall be prescribed or directed: *Provided always*, That any person, on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Ottawa county.

Justices of the peace to determine offenses.

Proviso.

Sec. 22. The recorder, treasurer, and marshal shall receive such compensation for their services as heretofore specified, and other officers appointed, such amounts, respectively, as the by-laws and ordinances shall direct; but the residue of the common council shall not receive any pecuniary compensation for their services.

Compensat'n of officers.

Sec. 23. The common council shall report at such annual meeting a just and true statement of all moneys received or expended by them in their corporate capacity, during the year next preceding such meeting, also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer, and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village, and at the option of said council they may cause the same to be published in a newspaper of said county.

Annual statement; contents of.

Citizens to be
competent
as jurors

Sec. 24. In all processes, prosecutions, and other proceedings wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is common with the citizens of said village.

Proviso.

Process;
how served.

Sec. 25. Whenever any action or suit shall be commenced against the corporation, process shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least ten days before the return day thereof.

Proviso.

Power of
council to
levy and col-
lect taxes.

Sec. 26. The common council shall have full power and authority to levy and collect taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The

Proviso.

Taxes to re-
main a lien
on property

said taxes so assessed and collected shall not exceed, in any one year, one-half of one per centum upon the valuation of said real and personal property, and exclusive of sidewalk, highway, and capitation or poll tax; and every assessment of taxes lawfully laid and imposed by the said common council on any lands, tenements, hereditaments, or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements, hereditaments, from the time of making such assessments, or imposing such tax, until paid; and the owner, or occupant, or parties in interest, respectively, in said real estate, shall be liable, on demand, to pay every such assessment or tax to be made as aforesaid; and in default of any payment, or any part thereof, it shall be lawful for the treasurer of said village to sell personal estate, and for the want thereof, to return said real estate to the supervisor of the township, who is hereby authorized to assess the same against the said real estate, in the same manner as township taxes are assessed, and when col-

Treasurer
authorized
to sell per-
sonal prop-
erty.

lected by the town treasurer, to pay the same over to the village treasurer, and in case of non-payment, to return the same according to the law regulating the assessment and collection of taxes in the several townships of this State. All personal property sold for taxes in said village, shall be done in the same manner as regulates the sale of personal property for taxes in the several townships of this State. Mode of selling.

Sec. 27. It shall be the duty of the supervisor of said township, who is constituted *ex officio* assessor of said village, to take the assessment of said village at the time he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village, on or before the first Monday of May in each year. Whereupon it shall be the duty of said common council to give notice that at a certain time and place, not less than five nor more than ten days, said common council will meet to hear any person considering himself aggrieved by the assessment made by said supervisor, and said common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation; and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by said common council, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village. Assessment of village; when taken. Time for correcting. Certificate of council attached to.

Sec. 28. It shall be the duty of the common council to make, or cause to be made out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall contain a warrant in the usual form, and be signed by the president or recorder, or, in case of their absence, or the absence of either of them, by any two members of the common council, and deliver the same to the treasurer, whose duty it shall be to collect the same within such time, and in such manner as the by-laws and ordinances of said village shall direct. Council to make out duplicate of taxes.

Citizens to be
competent
as jurors

Sec. 24. In all processes, prosecutions, and other proceedings wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is common with the citizens of said village.

Proviso.

Process;
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Proviso.

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Proviso.

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Taxes to re-
main a lien
on property

highway, and capitation or poll tax; and every assessment of taxes lawfully laid and imposed by the said common council on any lands, tenements, hereditaments, or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements, hereditaments, from the time of making such assessments, or imposing such tax, until paid; and the owner, or occupant, or parties in interest, respectively, in said real estate, shall be liable, on demand, to pay every such assessment or tax to be made as aforesaid; and in default of any payment, or any part thereof, it shall be lawful for the treasurer of said village to sell personal estate, and for the want thereof, to return said real estate to the supervisor of the township, who is hereby authorized to assess the same against the said real estate, in the same manner as township taxes are assessed, and when col-

Treasurer
authorized
to sell per-
sonal prop-
erty.

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Street com-
missioner;
powers and
duties of.

Sec. 29. The highway rolls shall be collected by the street commissioner, who for that purpose is hereby vested with all the powers of overseer of highways under the laws of this State, and such other powers as may be conferred upon him by the ordinances of the village; he shall superintend and direct the making, paving, repairing, and opening of all streets, lanes, and alleys, sidewalks, highways, or bridges within the limits of said corporation, in such manner as the common council shall from time to time direct.

Council
to establish
building
lines.

Sec. 30. The common council shall have power to establish the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expense of grading and making such sidewalks to be assessed on lots or premises adjoining such improvements, or by general assessments, or otherwise, as they may direct.

To organize
a fire de-
partment.

Sec. 31. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines, and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Pro-*

Provided.

vided, Such number does not exceed fifty in the management of one engine; and such fire, hose, and hook and ladder companies shall have power to appoint their officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof, and exempt him from poll tax; and it shall be the duty of every fire company to keep in good and perfect

Firemen
exempt from
poll tax.

repair the fire engines, hose, hook and ladders, and other instruments of such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair, and the fire department shall in all respects be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

Duties of firemen.

Sec. 32. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire as in preserving any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Duty of marshal at fires.

Sec. 33. The taxes so levied for village purposes, (whether local or general,) shall be and remain a lien upon the property on which the same was levied, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State are liens upon such property; and all provisions of law respecting the return and sale of real estate for the non-payment of taxes for State, county and township purposes shall apply to the return and sale of real estate for the non-payment of such village taxes, the treasurer of the county of Ottawa being hereby authorized and directed to receive the return of all such taxes, and apply the provisions of the general law to the same.

Taxes to remain a lien on property.

Sec. 34. The net proceeds of the sales of all real estate delinquent for non-payment of said village taxes shall be paid to the treasurer of said village by the treasurer of the county of Ottawa whenever required by the village treasurer; and the net proceeds of all sums paid to the treasurer of the county of Ottawa before sale, on account of property within said village,

Proceeds of all sales to be paid to treasurer.

returned delinquent for non-payment of village taxes, shall, in like manner, be paid to said village treasurer.

Sec. 35. This act shall take effect immediately.

Approved March 24, 1869.

[No. 341.]

AN ACT to amend section one, of act number one hundred and fifty-three, of the session laws of eighteen hundred and sixty-one, being an act entitled "An act to incorporate the public schools of the city of Adrian," approved March thirteenth, eighteen hundred and sixty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one, of act number one hundred and fifty-three, of the session laws of eighteen hundred and sixty-one, being an act entitled "An act to incorporate the public schools of the city of Adrian," approved March thirteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

District
boundaries.

SECTION 1. *The People of the State of Michigan enact, That* all of the city of Adrian, and so much of the townships of Adrian and Madison as are included in the following description and boundaries, viz: All those lands situated in township six south, of range three east, known and distinguished as the east half of the east half of section thirty-three, the west half, and the north half of the north-east quarter of section thirty-four, the north half of the north-west quarter, and the north half of the north-east quarter of section thirty-five, and the north half of the north-west quarter of section thirty-six; also, all those lands situate in township seven south, of range three east, being the west half of section three, the north-east quarter of the north-east quarter of section nine, the north half, the south-east quarter, and the east half of the south-west quarter of section ten, the north half, the south-west quarter, and the west half of the south-east quarter of section

eleven, and the north half of the north-west quarter of section twelve, shall constitute a single school district, to be known and designated as the public schools of the city of Adrian, and such district shall have all the powers and privileges conferred upon school districts and union school districts by general law; and hereafter all schools organized therein, in pursuance of this act, under the direction and regulation of the school board, shall be public, and free to all children, actual residents within the limits thereof, between the ages of five and twenty-one years, inclusive. Schools to be free.

Sec. 2. This act shall take immediate effect.

Approved March 24, 1869.

[No. 342.]

AN ACT to provide for the payment of Porter L. Swords, of the city of Adrian, Lenawee county, for furnishing money to certain volunteers credited to the township of Woodstock, in said county, to aid in the suppression of the rebellion.

Whereas, In the month of January, in the year one thousand eight hundred and sixty-five, at a meeting of the citizens of the township of Woodstock, in the county of Lenawee, Michigan, it was unanimously resolved that they contribute a sum of money sufficient to fill the quota of said township, under the last call of the President of the United States for volunteers, with the understanding that the same should be assessed upon said township at large, whenever the same should be authorized by law; Preamble.

And whereas, Said citizens authorized Orsamus Lamb, the supervisor of that town, to contract with parties to fill said quota, who did as authorized, and procured of Porter L. Swords, of the city of Adrian, a certain number of recruits to fill such quota, and paid over to said Swords, all the money which came into his hands, not otherwise legitimately used for the purpose for which it was raised; Ibid.

Ibid.

And whereas, There now remains due to said Swords, the sum of six hundred and fifty dollars for furnishing said recruits, for which there is no other proper source from which he can recover his dues for money thus advanced; therefore,

Time for
voting on
tax.

SECTION 1. *The People of the State of Michigan enact, That the qualified electors of said township of Woodstock, in the county of Lenawee, may at any annual township meeting, or at any special township meeting called for that purpose, vote upon the question of raising by tax, upon the taxable property of said township, the sum of not to exceed seven hundred dollars, for the purpose of paying the said Porter L. Swords for said recruits.*

Ballots;
contents of.

Sec. 2. The voters at any such meeting as is mentioned in the preceding section, upon the question of raising said sum of money by tax, and paying the same to said Swords, shall vote a ballot upon which shall be written or printed, or partly written or partly printed, the words "For the tax;" and those voting against raising the same, shall vote a ballot upon which shall be written or printed, or partly written or partly printed, the words "Against the tax."

Proceedings
if tax is
voted.,

Sec. 3. In case a majority of the electors voting upon said question at any such meeting as in this act provided, shall vote "For the tax," it shall be the duty of the township clerk of said township, on or before the first Monday in October next thereafter, to certify to the supervisor of said township the amount so voted to repay said Swords, in the same manner as he is required by law to report as to incidental expenses of the township; and the supervisor shall incorporate and levy the same in the assessment roll of the township for that year, and the amount so levied and collected, the same as other taxes levied in said roll, and when collected, shall be paid over to said Swords.

Sec. 4. This act shall take effect immediately.

Approved March 24, 1869.

[No. 343.]

AN ACT to amend section twenty of an act entitled "An act to incorporate the village of Dansville," approved March 9th, 1867, being act No. 307, of the session laws of 1867.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended,} section twenty, of act number three hundred and seven, of the session laws of eighteen hundred and sixty-seven, be and the same is hereby so amended as to read as follows:

Sec. 20. The common council shall have power to prohibit ^{Common council may pass laws relative to—} and regulate the sale of all goods, wares, and personal property at auction, except in case of sales authorized by law; to license and regulate auctioneers, peddlers, traveling non-resident merchants, and pawn-brokers; to license and regulate all ^{Sale of all goods.} sports, exhibitions, caravans, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to regulate the carrying, selling and using of fire- ^{Fire-works.} crackers, fire-works, and other combustible material; to restrain the making or lighting of fires in the streets, and other open spaces in said village; to prevent the vending or giving ^{Liquors.} away of any spirituous or fermented liquors in any place within said village; to regulate the measuring of fire-wood and ^{Firewood.} the weighing of hay; to appoint a sealer of weights and measures, and wood inspector; to prevent and punish reckless or immoderate riding or driving in any of the streets of said village; to prevent the incumbering of the streets, alleys, side- ^{Streets.} walks, or public grounds; to provide for ornamenting the public grounds; to require the setting out of shade and ornamental ^{Public grounds.} trees along the line of the streets and sidewalks of said village, or, in their option, to let jobs for the procuring, setting out, and protecting the same; to compel the owners or occupants ^{Obstructions on streets.} of lots to clean sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, or any incumbrance; to construct ^{Sewers.} sewers, drains, and cross-walks, assessing the cost of the same in whole or in part to the taxable property of said village, and pay the same out of the general fund for village purposes; and in case that, in their judgment, such construction shall result

Grave
yards.

How village
may acquire
control of.

Power of
council to
enlarge
boundaries
of.

to the special benefit of certain localities or property, they may assess the cost thereof in whole or in part to the property in such locality immediately benefited, in proportion to the benefit so resulting; to regulate and control, in all respects not inconsistent with the right of property in lot-owners, all graveyards and places of burial within said village, in all cases where such grave-yards or burial places are not, at the time of the passage of this act, under the control of some other burial ground society, and in all cases when the government thereof shall be regularly surrendered by any such burial ground society to the legally constituted authorities of said village; and it is hereby expressly provided that it shall be lawful for any such corporation, organization, or burial ground society, having control of any such grounds or places of burial within the corporate limits of said village at the time of the passage of this act, at any regular meeting thereof called for that purpose, by written notice of the purpose, signed by any five members of such burial ground society, posted in at least three of the most public places in said village, at least ten days next preceding the day of such meeting, by a vote of two-thirds of the members thereof, present at such meeting, pass and surrender the government and control thereof to said village authorities, irrevocably; in which case the officers of said burial ground society, or those having charge of its plats, records, moneys and effects of whatsoever kind, are hereby required and directed to surrender and transfer the same within thirty days from the time the said burial ground society shall so vote, to the common council of the said village of Dansville; and the common council shall have full power and authority, whenever the necessities of said village shall require the same, to enlarge the boundaries of any such burial grounds, or to purchase other grounds for the same purpose, and to regulate and improve the same in such manner as shall from time to time be deemed necessary.

Sec. 2. This act shall take immediate effect.

Approved March 24, 1869.

[No. 344.]

AN ACT to provide for the laying out and establishing a State road from Caro to Hurd's Corners, in Tuscola county.

SECTION 1. *The People of the State of Michigan enact, That* Commis'rs appointed.
Farley Craw, of Caro, and James Wright, of Wells, Tuscola county, be and are hereby appointed special commissioners to lay out, establish, and open a State road, commencing at a point on the south side of Cass river, directly opposite to the village of Caro, in said county, where the Suker creek road (so called) crosses said river, running thence on the most direct and eligible route to Hurd's corners, on the township line between the townships of Wells and Dayton, in said county, to be known as the Caro and Wells State road.

Sec. 2. It shall be the duty of said commissioners, within Description of road to be filed with township clerks.
three months after this act shall take effect, to proceed to lay out and establish said road, and to cause a description thereof to be filed with each of the township clerks of the townships through which said road shall pass, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Sec. 3. In all cases where damages may be claimed by reason Proceedings in case of damage.
of laying out and establishing said road; the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Sec. 4. For the purpose of constructing said road there is Non-resident highway taxes appropriated.
hereby appropriated all the non-resident highway tax one mile each side of the line of said road, for the term of five years from the passage of this act.

Sec. 5. The State shall not be liable for any expenses or Township to pay for survey.
damage sustained by reason of this act, but the township through which said road shall pass shall pay for the survey and necessary expense, and shall also pay the commissioners two dollars per day for their service for the time necessarily and actually expended by them.

Overseers of
highways
to pay over
tax.

Sec. 6. Any overseer of highways, or township treasurer, having received any portion of such non-resident tax, shall on demand of the special commissioners herein provided for, pay over to such commissioners any such sums of money, and said commissioners' receipt therefor shall release such overseer or treasurer from liability.

Commis'srs
to make
report.

Sec. 7. It shall be the duty of such special commissioners to render to the board of supervisors of said county, at their annual session, a true account on oath or affirmation, of the receipt and disbursement of all money received by them during each year from such townships respectively, and shall also make such report to the Auditor General on or before the first day of November of each year.

To give bond

Sec. 8. Said commissioners, before they shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county, a bond in the sum of two thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that they will faithfully apply, according to law, all moneys received by them in virtue of this act, which bond shall be filed in the office of the county clerk of said county.

Vacancies
in board;
how filled.

Sec. 9. The board of supervisors of the county of Tuscola shall have the power, and it shall be their duty to fill any vacancy that may occur on account of death, neglect, or refusal of either of said commissioners to serve under the provisions of this act.

Sec. 10. This act shall take immediate effect.

Approved March 24, 1869.

[No. 345.]

AN ACT to incorporate the village of Rochester.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all that tract of country situated in the county of Oakland, and State of Michigan, known and described as follows, to wit:*

The south-east quarter of section ten, the south-west quarter of section eleven, the north-west quarter of section fourteen, and the north-east quarter of section fifteen, all in township three north, of range eleven east, it being in the township of Avon, be and is hereby constituted a village corporate by the name of "the village of Rochester."

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, ^{Elections; where to be held.} shall meet in said village, on the second Monday in April next, at the Lambertson House, and on the first Monday in March annually thereafter, at such place as shall be provided in the by-laws of said village, and there, by ballot, shall elect, by ^{Officers and terms of office.} plurality of votes, one person to be president of said village, and two persons shall, in like manner, be elected trustees for one year, and two for two years; and there shall be elected a marshal, treasurer, clerk, and assessor; and annually thereafter, a president, marshal, treasurer, clerk, and assessor shall be elected, as aforesaid, who shall hold their respective offices for one year, or until their successors are elected and qualified; and two trustees shall be elected, who shall hold their offices for two years, or until their successors are elected and qualified; but ^{Failure to hold election at appointed time, not to dissolve corporation.} if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the corporation shall not, for that reason, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular elections. The president, and two trustees thus ^{Village board; who to constitute} elected, together with two trustees whose term of office is unexpired, shall constitute a village board; and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The presi- ^{President; duties of.} dent shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own

number a president *pro tem.*, who shall have all the powers and perform all the duties of president.

Clerk to
give notice
of election.

Time of
opening and
closing polls.

Board of
inspectors
at first
election.

At subse-
quent elec-
tions.

Officers to
take oath.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding the elections, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present; and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Sec. 4. At the first election to be held in said village, under this act, there shall be chosen by the qualified voters there present, from among their number, by *viva voce*, two judges and a clerk of election, who, together, shall constitute a board of inspectors of such election, each of whom shall, before entering upon the duties of his office, take an oath, before some person authorized to administer oaths, that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of inspector of such election; said board shall conduct said election and certify the result thereof.

Sec. 5. At all subsequent annual elections, any two of the trustees may be judges of the election; and the clerk of the village, or his substitute, shall be clerk of the election; and the judges and the clerk shall take an oath, to be administered by some person qualified to administer oaths, to faithfully and impartially discharge their duties as judges or clerk of election; and said board shall have such power to preserve the purity of the election, as is now, or may hereafter be given to township boards of election.

Sec. 6. The president, and every other officer elected or appointed under the provisions of this act, before he enters upon

the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the clerk to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 7. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted in this act, under the name of president and trustees of the village of Rochester, and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least six days before the return day thereof: *Provided*, That in case such summons cannot be served on the president, for any reason, it may be served on any one of the trustees.

Sec. 8. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter or repeal the same at pleasure, for the following purposes, viz: For the appointment of such other officers whose election is not herein provided for, for said village, as they may deem necessary, and to fix the compensation of their services, and also, such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village, and to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties and prescribe penal-

Vagrants.	ties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior, and profane or blasphemous language in the streets or other public places; to suppress or restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power to license such persons as tavern-keepers and common victualers as they shall think best, (but no license shall remain in force beyond the life of the board granting it, or authorize the sale of spirituous liquors;) to prevent the selling of or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to abate, prevent or remove nuisances; to suppress all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every other incumbrance or obstruction thereto; to regulate the storage of powder, kerosene oil, turpentine, lumber, and other combustible material; to prevent the use of fire-arms, slung-shots and other weapons, and of fire-works; to construct and regulate markets for the vending of poultry, meat, vegetables, fish, and fruits; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules and other animals, geese or other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found running at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceed-
Billiard tables.	
Tavern keepers.	
Selling liquors.	
Disorderly houses.	
Obstructions upon walks.	
Powder.	
Fire-arms.	
Markets.	
Hay.	
Weights and measures.	
Pounds.	
Dogs.	
Cartmen.	
Hydraulic works.	

ing one thousand dollars in any one year; to establish wells ^{Wells and cisterns.} and cisterns, and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for, and regulate ^{Cemeteries} cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use for burial purposes, of any burying ground or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, settle, ^{Grades of streets.} and establish the boundaries of all streets and alleys, and to establish grades therefor; also to order and cause to be drained or filled up all pools and swamps in said village, and to assess the cost and expenses on the premises benefited: *Provided*, ^{Provido} That two-thirds of such property be represented in petition for such improvements; to regulate the building of partition and ^{Partition and other fences.} other fences; to establish lines upon which buildings may be ^{Building lines.} erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to ^{Hazardous buildings.} pass all necessary regulations relative to buildings which may be deemed unsafe; to purchase and keep in order fire engines and ^{Fire engines.} other apparatus, to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to establish fire limits ^{Fire limits.} within which no wooden building shall be built, enlarged or placed; to regulate chimneys, partition walls, flues, and put- ^{Chimneys.} ting up of stoves or stove-pipes; to regulate the construction of smith-shops, planing mills, bakeries, and other buildings considered unreasonably hazardous; to guard against fires; to ^{Duties of village officers.} regulate the duties, powers and fees of village officers, except the president and trustees, who shall be allowed no pay; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks, and repairing the same; to ^{Grading sidewalks, streets, etc} grade the walks, streets, alleys, and to prescribe the manner of planking or repairing them; to construct and keep in repair the public highways, sewers and culverts, (provided that nothing in this act shall be construed to exempt the township of Avon from liability to keep in repair any bridge over any stream

Laying out streets.	<p>in said village;) to lay out new streets and alleys, and to extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers and auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers; to regulate the covering of mill races, at the expense of the owners thereof; to rail and curb, where necessary, all walks at the expense of the owners of the adjoining lots; to assess and levy taxes, not exceeding one per cent. upon the assessed value, in addition to all special taxes provided for in this act, on all personal and real estate within the limits of said village, except property belonging to the village, town, county, State, and places of public worship belonging to any church or congregation, or church, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of widening or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the town of Avon; and any interest the inhabitants of the village of Rochester may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause and serve as a juror or witness therein; and the circuit court of the county of Oakland shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws, where the sum claimed shall exceed the sum of one hundred dollars.</p>
Levying taxes.	
Theatres.	
Peddlers.	
Mill races.	
Taxes for educational purposes.	
Taking private property for streets.	
Imposing penalties.	
Citizens may act as jurors.	

Sec. 9. Every male inhabitant above the age of twenty-one years, and under the age of sixty, residing in said village on the first day of April of every year, or upon such other day as the president and board of trustees shall name, shall be liable to pay a poll tax of one dollar, to be collected by the marshal, except paupers, idiots, lunatics, and members of a regularly organized fire department; and any person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the demand made by the marshal, shall forfeit to the use of the said corporation the sum of five dollars, to be recovered in the name of the president and board of trustees, in an action of debt before any justice of the peace for the township of Avon; and the president and trustees shall prepare a list, and cause it to be delivered to the marshal in the month of April of each year, of all persons liable to pay the said poll tax; and the president and trustees shall have the exclusive control of the highway money levied and collected in the village.

Poll tax;
how collect'd

Trustees to
make list of
persons lia-
ble to pay.

Sec. 10. All taxes levied upon real estate, and all assessments made thereon for opening, widening, extending, paving, grading, planking, or repairing a street or alley, or making or repairing sidewalks, and all highway taxes shall be and remain a lien upon said estate until the same is paid.

Taxes to re-
main a lien
on real
estate.

Sec. 11. The president and trustees shall, at the expiration of each year, cause to be made out a true statement, exhibiting, in detail, all items of receipts and expenditures of the preceding year, and the clerk shall cause the same to be laid before the electors of said village at each annual election herein provided for.

Annual
statement;
contents of.

Sec. 12. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least one week in a newspaper printed in said village, or until it shall have been posted up one week in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper in which the same was published, then by the pub-

When any
ordinance
shall take
effect.

lisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of said publication.

Assessment
roll; con-
tents of.

Time and
place for
reviewing.

Marshal to
collect un-
paid taxes.

Distress
and sale of
property.

Sec. 13. The assessor of said village shall, during the month of March, in each year, make an assessment roll, containing a description of all the property, both real and personal, copying it, as nearly as possible, from the assessment roll of the township of Avon, with the name of the owner or occupant thereof, or agent if known, and shall set down in such roll the cash valuation of such property, putting the personal property on a separate line; and it shall be the duty of the assessor, president, and trustees, on the first Monday in May of each year, to be present in some convenient place in said village, for the purpose of reviewing said assessment roll, that any person or persons deeming themselves aggrieved, may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; the assessor shall at once proceed to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their names, as a tax or assessment, and authorize him, in case any one shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the president and trustees may deem best; and when any assessment shall be made

for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment, as herein provided. Special assessment.

Sec. 14. If any person shall refuse to pay the sum or sums which he or she shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person to whom the same is assessed, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels sold shall be sold for more than the amount of tax and assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same. Proceedings when own'r refuses to pay taxes.

Sec. 15. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself, in a column, and whenever any such tax or assessment, and all taxes upon real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment, and interest, together with all costs thereon, first giving at least seven weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village, for six successive weeks; an affidavit of such publication, recorded in the manner prescribed in the twelfth section of this act, shall be deemed *prima facie* evidence of the fact of such publication. When tax upon real estate may be collected.

Sec. 16. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the Treasurer to sell lands.

same from day to day until so much thereof is sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid;

Certificate of purchase.

and the said treasurer shall give to the purchaser or purchasers of said lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed of the land;

Conveyance.

and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State may have thereon; and the said conveyance shall be *prima facie* evidence that the sale, and all things pertaining thereto, was regular, according to the

Conveyance may be used in evidence.

provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner, and with like effect as a deed regularly drawn, executed, and acknowledged by the owner, and duly recorded, may be given in evidence. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are by law allowed to the county treasurer in like cases; and the expenses for the advertising of any land for sale in pursuance of this act shall, by the treasurer, be added to such taxes respectively, as are charged upon land delinquent for State and county taxes.

Fees of treasurer.

Money; how drawn from treasury.

Sec. 17. No money shall be drawn from the treasury except by the appropriation of the president and trustees; and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from

which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Sec. 18. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected or appointed a member of this board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Trustees not to become security or be interested in any contract.

Sec. 19. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund, except for highway purposes.

Highway fund; how kept.

Sec. 20. All officers appointed by the president and trustees shall hold their offices for one year, or until their successors are appointed; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president and trustees of the village of Rochester, and their successors in office; and a suit may be brought for a breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace of the township of Avon, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Appointed officers.

Bonds of.

Suit against; how brought

Sec. 21. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of police, with the powers of constables belonging to any township, having power to enter into any disorderly or gaming house, or dwelling, or any other building where he may have reason to believe any felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly

Marshal; duties of.

To enter gaming houses.

To arrest
disorderly
persons.

persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the town of Avon, who shall hear, try, and determine the matter upon proof, in a summary way; and to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into authorizing his serving processes issued by justices of the peace, in civil cases.

Proviso.

To be subject
to control of
trustees.

Sec. 22. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office, by an official vote of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of his other official duties; but the cause of such removal shall in all cases be made a matter of record by them.

Vacancies;
how filled.

Sec. 23. Any vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees; and any vacancy in the number of trustees, or in any other office, shall be filled in the same manner.

Compensat'n
of officers.

Sec. 24. The president and trustees shall not receive any compensation for their services. The marshal and treasurer shall receive each such salary as the president and trustees shall prescribe, not exceeding the rate of one hundred dollars each for each year, which shall be full compensation for all services rendered by him; the clerk and assessor shall each receive such compensation as the president and trustees shall direct.

Use of jail
allowed to
corporation.

Sec. 25. The corporation shall be allowed the use of the common jail of the county of Oakland for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in any other case: *Provided*, The county shall in no wise be chargeable with the cost and expense of imprisonment in civil cases.

Proviso.

Sec. 26. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Firemen exempt from poll tax and jury service

Sec. 27. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of this State, and shall appoint one or more overseers of highways, to repair and to keep in order the highways, streets and alleys, and shall cause a tax to be levied upon the real and personal property of said village, for that purpose when it shall be deemed necessary: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property, within said village, from any township tax that may be legally levied within and for the township of Avon, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working, or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in repair.

Trustees to be commissioners of highways.

Proviso.

Ibid.

Sec. 28. Whenever the lands of any person shall be required to be taken for the constructing, widening, or extending streets, lanes, alleys, drains, or sewers within the limits of said village, or for its use for any lawful purpose, the president and trustees shall give notice thereof to the owners or parties interested, or his, her, or their agent or representatives, by personal service,

Proceedings when private property is taken, etc.

Notice to owner.

Summoning
of jury.

Jury to
assess
damages.

Compensat'n
tendered to
owner.

Proviso.

or by written notice posted up in three of the most public places in said village, at least three weeks preceding the meeting of the said president and trustees for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall neglect or refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Avon to issue a *venire facias*, to command the marshal of said village to summon and return a jury of twelve disinterested persons, who shall be freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners, or persons interested in such grounds or premises; which jury being duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, alley, or lane, or sidewalk, drain, sewer, or highway shall be made, opened, established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her or their intention

to do so, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of said judgment,) then within thirty days after the verdict of the said jury and the judgment of said justice, aforesaid; upon the filing of a transcript of the proceeding, aforesaid, duly certified by the said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court, or any other court of appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed ^{the} damages assessed before the justice at least five dollars, then the party appealing shall pay all costs of such appeal.

Sec. 29. All moneys received for licenses granted to tavern ^{License} keepers or common victualars, under the provisions of this act, ^{money; to} shall be paid to the treasurer of the village, to the credit of the ^{whom paid} general fund.

Sec. 30. This act shall be favorably construed and received ^{Public act.} in all courts as a public act, and copies thereof printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 31. No person shall be eligible to any office in this cor- ^{Who eligible} poration unless he shall have resided in said corporation three ^{to office,} months next preceding his election, shall be entitled to a vote therein.

Sec. 32. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Sec. 33. This act shall take immediate effect.

Approved March 24, 1869.

[No. 346.]

AN ACT to incorporate the village of Ovid.

SECTION 1. *The People of the State of Michigan enact*, That ^{Boundaries} all that tract of country situate in the township of Ovid, in the county of Clinton, and distinguished as the south-east quarter of section twelve; the east half of the south-west quarter of

section twelve; the south three-eighths of the north-east quarter of section twelve; the south three-eighths of the east half of the north-west quarter of section twelve; the north-east quarter of section thirteen; and the east half of the north-west quarter of section thirteen, in township seven north, of range one west, in the county of Clinton, and State of Michigan, be and the same is hereby constituted a village corporate, to be known by the name of "The Village of Ovid."

Time and
place of
holding first
election.

Officers and
terms of
office.

Proviso.

Polls; when
to be opened
and closed.

Judges and
clerk of
election.

Sec. 2. The male inhabitants of said village, having the qualification of electors under the constitution of this State, shall meet at the school-house in said village, on the second Monday of April, in the year one thousand eight hundred and sixty-nine, and then proceed, by a plurality of votes, to elect by ballot from among the qualified electors residing in said village, the following officers of the corporation, viz: one president, one recorder, one treasurer, one assessor, and six trustees; three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the second Monday of April, there shall be elected by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified; and three trustees, who shall hold their offices for the term of two years, and until their successors shall be elected and qualified: *Provided*, That if an election of such officers shall not be made on said second Monday of April, it shall be lawful to hold such election at any time, by giving notice thereof as provided in this act. The polls of such election shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until four o'clock of the same day, and no longer. At the first election to be holden in said village, under this act, there shall be chosen *viva voce* by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation to be administered by either of the others, faithfully to discharge the duties as judge or clerk of said election, who shall

form the board of election, and shall conduct the same, and certify the result in the same manner as the common council are required to do by this act.

Sec. 3. The president and trustees of said village shall be a ^{Body corporate and politic.} body corporate and politic, under the name and title of the common council of the village of Ovid; and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law or equity, and in all places whatever, and may have a common seal, and may alter and change the same, and by the same name are hereby made capable of purchasing, holding, conveying, and disposing of any real or personal estate for said village.

Sec. 4. The common council shall appoint annually, a village ^{Council to appoint certain officers.} attorney, and a village marshal; the common council may also appoint one or more street commissioners, and all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties, but any such appointment shall be made at a regular meeting of the common council.

Sec. 5. No person shall be elected or appointed to any office ^{Officers must be electors.} created by this act, unless at the time of such election or appointment, he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

Sec. 6. All officers elected under the provisions of this act, ^{When shall file oath and security.} and all officers appointed by the common council shall, within ten days after notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, and file the same with the village recorder; and every such officer, before he enters upon the duties of his office and within the time limited for filing his

official oath, shall file with the village recorder such security for the due performance of the duties of his office as may be required by law, or by any order of the common council, to be approved by the common council.

When officers shall enter upon duties and how long shall hold office.

Sec. 7. All officers elected or appointed in pursuance of the provisions of this act, shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy, shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its terms of appointment, or until the common council revoke their appointment or accept the resignation of such officer.

Compensat'n of officers.

Sec. 8. The president and trustees shall each receive one dollar and fifty cents per day, for services rendered by them as inspectors of elections, and when determining what persons are elected to office, as provided in section eighteen, but for all other services rendered by them, they shall receive no compensation; the treasurer, recorder, assessor, and all other officers appointed by the common council, shall each receive such compensation for their services, as the common council shall from time to time direct by resolution, entered upon their records.

Power of council to remove any officer.

Sec. 9. The common council shall have power to remove from office the marshal, and any officer appointed by them for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Resignat'ns; to whom made.

Sec. 10. The resignation of any officer authorized to be elected or appointed, shall be made to the common council, subject to their approval or acceptance.

When any office shall be deemed vacant.

Sec. 11. If any officer elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act, shall

neglect to file an official bond when the same is required, or shall neglect to file their oath of office, as in this act directed, within the time limited, such neglect may be deemed a refusal to serve, and in case of such neglect the common council may proceed immediately to cause such office to be supplied as in case of a vacancy.

Sec. 12. In case a vacancy shall occur in the office of president, trustee, recorder, treasurer or assessor, the same shall be supplied by a special election, and in all other cases of vacancy, the same may be supplied by appointment by the common council.

Vacancies;
how filled.

Sec. 13. The inhabitants of said village, being electors under the constitution of the State of Michigan, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village" instead of "township" being used in the oath.

Who to be
electors.

Proceedings
in case of
challenge.

Sec. 14. The annual village election shall be held on the second Monday of April in each year, and special elections may be held at such times as the common council shall, by resolution entered upon their records, designate.

Elections;
time of
holding.

Sec. 15. Notice of the time and place of holding any election shall be given by the village recorder ten days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village, and, in case of a special election, such notice shall set forth the purpose and object of the election, as fully as the same is set forth in the resolution appointing such election; and on the day of such election, held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall continue open until four o'clock in the afternoon of the same day.

Notice of.

Time of
opening and
closing polls.

Inspectors of
election.

Sec. 16. The common council of said village, or any three of its members, shall be the board of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, then any of the trustees may act as clerk.

Manner of
conducting
election.

Sec. 17. Elections held in pursuance of the provisions of this act, shall be conducted, as nearly as may be, in the same manner as provided by law for holding general and special elections in the State of Michigan, except as herein otherwise provided; and the inspectors shall have the same power and authority for the preservation of order during the time of holding an election, and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State.

Poll list.

Canvass of
votes.

Sec. 18. It shall be sufficient to keep but one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare, in writing, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificate shall have been filed, the common council shall convene at their usual place of meeting, and then determine what persons are elected to the several offices, respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine, by lot, which of such persons shall be considered elected.

Council to
determine
result of
election.

Recorder to
notify per-
sons of their
election.

Sec. 19. It shall be the duty of the village recorder, within five days after the meeting and determination of the common council, as provided in section eighteen, to notify each person elected, of his election, and also within five days after the com-

mon council shall appoint any person to any office, the recorder shall notify such person of such appointment.

Sec. 20. The expenses of all elections, to be held as provided by this act, shall be chargeable to said village, and paid as are other contingent expenses.

Expenses of election; how paid.

Sec. 21. Each and all of the officers of said village, including firemen, and officers of the fire department, and such other officers and agents as may be appointed by the common council shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by any ordinance of said village, or by any order or resolution of the common council.

Duties of firemen and other officers

Sec. 22. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village; it shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be removed by the common council, and to examine all complaints against them for neglect of duty, to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved upon by them, and, in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more policemen or watchmen, who shall be conservators of the peace, who shall have the same power to make arrests and suppress disturbances, as is conferred by this act upon the village marshal.

President to preside at all meetings of council.

To see that officers perform their duties.

To maintain good order.

To appoint watchmen.

Sec. 23. It shall be the duty of every trustee in said village to preside at elections when necessary; to attend the regular and special meetings of the common council; to vote upon all motions; to act upon committees when thereunto appointed by

Trustees to attend meetings of council, etc.

the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village

Trustees not to become security, or be interested in any contract.

Sec. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act.

Recorder to keep seal and papers.

Sec. 25. The village recorder shall safely keep the corporate seal, and the books, papers, and files belonging to said village, and shall make a record of all the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers, duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn.

To keep account of expenses, etc.

Treasurer to keep all moneys.

Sec. 26. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder and countersigned by the president; and he shall exhibit to the common council, as often, and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement, showing the financial condition of the treasury, and all other matters relating to his office.

To exhibit accounts of expenditures and receipts.

Sec. 27. The village marshal shall be chief of the police of the village, and he shall see that the laws are enforced. It shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by law on constables elected in townships. He shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such person before any justice of the peace of the town of Ovid, to be dealt with as the laws and ordinances of said village shall provide; and may apprehend and imprison any person found drunk in the streets of said village, until such person shall become sober; and he shall have power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, or where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his serving processes issued by justice's of the peace, in civil cases.

Marshal to be chief of police.

To collect taxes.

To arrest disorderly persons.

To enter gaming houses.

Proviso.

Sec. 28. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of Ovid, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, except by a vote of two-thirds of the members of the common council.

Common council; who to constitute

Sec. 29. The common council shall meet at such time and place as it shall determine, and at such other time and place as the president, or in case of his absence, the president *pro*

Where shall hold meetings.

May impose
fines.

President
pro tem.

Each mem-
ber to have
one vote.

All proceed-
ings to be
public.

To prescribe
its own
rules.

To control
streets,
bridges,
etc.

May pass
laws relative
to—

tempore shall appoint; the common council shall have power to impose, levy, and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at its meetings, and also to require the attendance of any of the officers of said village at any of its meetings, and to impose fines for non-attendance. The common council shall, at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council; and if at any meetings of the common council neither the president or president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Sec. 30. In the proceedings of the common council each member present shall have one vote, and when there shall be a tie the president shall give the casting vote; whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting shall be entered at large in the minutes, and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing any property in said village, or the citizens of said village. And all proceedings of the common council shall be published as soon as may be in at least one newspaper printed and published in said village.

Sec. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds in said village; of the finances, rights and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper within said village, in relation to and for the following purposes:

First. To prevent vice and immorality; to preserve public ^{Vice.} peace and good order; to prevent and quell riots, disturbances ^{Good order} and disorderly assemblages; to restrain, apprehend and punish ^{Vagrants.} vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places.

Second. To suppress and restrain all disorderly houses and ^{Houses of ill-fame.} houses of ill-fame; all gambling houses, and all houses and places where persons resort for gaming or to play at games of ^{Gaming.} chance, and to punish the keepers thereof; to prevent every species of gaming, and to regulate, restrain, tax or suppress billiard tables and bowling alleys.

Third. To prevent the selling or giving away any spirituous ^{Liquors.} or fermented liquors to any drunkard, minor or apprentice.

Fourth. To prohibit and regulate the sale of all goods, wares ^{Auctions.} and personal property at auction, except in case of sales authorized by law.

Fifth. To license and regulate auctioneers, peddlers, and ^{Peddlers} pawn-prokers, and auctions, and hawking and peddling, and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets.

Sixth. To prohibit, restrain, license and regulate all sports, ^{Shows.} exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money.

Seventh. To prevent the violation of the Sabbath, and to re- ^{Violation of Sabbath.} quire all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days.

Eighth. To prohibit, prevent, abate and remove all nuisances ^{Nuisances.} in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy removal or abatement by the marshal of the village, at the expense of the persons creating the same.

Groceries,
etc.

Ninth. To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, fish-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous or unwholesome place, house or thing, to cleanse, remove or abate the same, whenever the common council shall deem it necessary for the health, comfort and convenience of the inhabitants of said village.

Slaughter
houses.

Tenth. To direct the location and regulation of all slaughter houses in said village, and to prohibit their location within said village.

Dangerous
occupations.

Eleventh. To regulate, restrain and prohibit the location of shops and the carrying on of mechanical and other trades and vocations which the common council may deem dangerous or injurious in such places and parts of said village as the common council may designate.

Gunpowder.

Twelfth. To regulate the buying, selling and using of gunpowder, fire-crackers and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works and the discharge of fire-crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village.

Obstructions
on streets.

Thirteenth. To prevent the incumbering or obstructing of streets, sidewalks, cross-walks, lanes, alleys, gutters, sewers, water-courses, bridges and public grounds in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction.

Setting of
shade trees.

Fourteenth. To regulate and require the setting and securing of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes, and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards and other things, the whole or any part of which occupy or project within the limits of any street, lane or alley of said village, and to pre-

Awnings,
etc.

scribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same.

Fifteenth. To provide against horse-racing and immoderate Horse-racing driving in any street or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving.

Sixteenth. To regulate and prohibit bathing in the public Bathing. waters within said village.

Seventeenth. To establish one or more pounds, and regulate Pounds. and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese and other poultry in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same for the penalty incurred, and the cost of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid.

Eighteenth. To regulate the ringing of bells and the crying of Crying of goods. goods, and to prevent disturbing noises and obscene and profane language in the streets.

Nineteenth. To provide for the lighting of the streets and alleys Lighting of streets. and the protection of the public lamps.

Twentieth. To impose taxes on the owners or keepers of dogs, Dogs. and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of said village.

Twenty-first. To provide burial places and to regulate and Burial of the dead. prohibit the burial of the dead within said village, and to protect and preserve the monuments, tombstones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village.

Twenty-second. To regulate and establish the line upon which Building lines. buildings may be erected upon any street, lane or alley in said village, and to compel such building to be erected upon such line.

Twenty-third. To establish, order, and regulate markets; to Markets. regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lumber,

lime, and coal, and to designate the stand or stands for wood, hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of fire-wood.

Drays, etc.

Twenty-fourth. To license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stand for such vehicles and to prescribe rates of fare and charges for the same.

Tavern keepers.

Twenty-fifth. To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder, common victualer and saloon keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in such occupation or business without such license.

Weights and measures.

Twenty-sixth. To appoint a sealer of weights and measures.

Fire districts

Twenty-seventh. To establish fire districts, within which no wooden building shall be moved, built, enlarged or placed.

Party walls.

Twenty-eighth. To regulate and prescribe the manner of constructing party walls, chimneys, and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws, and regulations as the common council shall deem necessary to secure the building and property in said village against injuries by fire, and for the prevention and suppression of fires, and for the purpose of enforcing such ordinances, by-laws, and regulations, the common council may authorize and direct any of the officers of said village, to enter into and examine at all reasonable times, all dwelling houses and tenements of any description, and all lots, yards, and inclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe, at the expense of the owner or occupants of the building in which the same may be; and every building or structure that shall be constructed, moved, enlarged, used, maintained, occupied, or allowed to

Examining dwelling houses.

stand or remain in violation of or contrary to any ordinance of ^{Common nuisance.} said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed by direction of the common council, at the expense of the owner or occupant, or person who caused such nuisance.

Twenty-ninth. To prohibit the maintaining of lumber yards ^{Lumber yards.} the keeping, piling, and storing of fire-wood, timber, lumber, or other easily combustible material, within the limits of any fire district.

Thirtieth. To construct reservoirs wherever needed, and to ^{Reservoirs.} provide for supplying the same with water; to build bridges, to construct sewers, drains, and culverts; to provide wells; to ^{Repairing sidewalks.} grade, gravel, pave repair, amend, and otherwise improve the streets, lanes, alleys, public grounds, and parks in said village; to construct, repair, and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground or place in said village; to fill up, drain, cleanse, and regulate any ^{Cleansing of cellars.} grounds, yards, basins, cellars or vaults within said village, that may be sunken, damp, foul, encumbered with rubbish, or unwholesome, and to make such other improvements as may conduce to the general good and prosperity of said village, or any part thereof, and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order, and good government of said village.

Sec. 32. The common council shall have power to establish, ^{Fire companies.} maintain, and regulate all such fire-engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines and other implements, and other instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and col-

Duties of
firemen.

lect such fines for the non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hook and ladders, and other instruments and implements in its charge in good and perfect repair, and it shall be the duty of each fire company to assemble at least once in each month and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in charge, with a view of keeping the same in perfect order and repair; and upon any alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer of the fire department.

Firemen to
elect chief
engineer and
other officers

Sec. 33. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer in case of the absence or disability of the chief.

Marshal to
compel aid
at fires.

Sec. 34. The marshal and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village, and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Firemen
exempt from
poll tax and
jury service.

Sec. 35. Every person belonging to an organized fire company in said village may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said village.

Common
council.

Sec. 36. The common council shall have power and authority to lay out, open, and extend, widen, straighten, alter, close, and

vacate and improve such streets, highways, alleys, lanes, water-
 courses, squares, market-places, and public parks in said village
 as they shall deem necessary for the public good and conven-
 ience; and if, in the opening thereof, the property or lands of
 any person shall be required for such purpose, the common
 council shall so declare by resolution, stating therein the de-
 scription of the lands, premises, or property required, and the
 purpose for which the same are to be used, and that the com-
 mon council will meet on some day to be named in the resolu-
 tion, to take action in regard to the matter, and notice of such
 meetings shall be given to the owners or parties interested, or
 his, her, or their agents or representatives, by personal service
 of a copy of such resolution, or by publication of a copy of such
 resolution in a newspaper published in said village, at least
 three weeks previous to the time appointed in said resolution
 for the meeting of the common council; and the common
 council is hereby authorized to negotiate with the person or
 persons interested in, or owning such grounds or premises, for
 the same, and to pay therefor such reasonable sum as may be
 agreed upon; but if such person or persons shall refuse to nego-
 tiate for such land or premises, or if for any other cause there
 shall not be any agreement or bargain between the parties
 therefor, it shall be lawful for the common council, at the time
 of the meeting appointed in such resolution, to direct the village
 recorder to issue a precept, under his hand, in the nature of a
venire facias, directed to the marshal of said village, or any con-
 stable in the county of Clinton, commanding him to summon
 a jury of twelve disinterested freeholders of said village to
 appear before any justice of the peace of the township of Ovid,
 in said village, at a time therein to be stated, to inquire into
 and assess the damage and recompense due to the owner or
 owners of, or parties interested in such grounds, premises, or
 property; which jury being duly sworn by said justice faith-
 fully and impartially to inquire into and assess the damage in
 question, and having viewed the premises, if necessary, shall
 inquire of and assess such damages and recompense as they

Power of, to
lay out
streets.

Notice of
meeting.

Proceedings
when owner
refuses to
sell.

Summoning
of jury.

Jury to
assess
damages.

Compensat'n
tendered to
owner.

Claimant to
pay costs
when no
damages are
awarded.

Proviso.

shall deem fit to be awarded to the owner or owners, or to parties interested in such grounds, premises, or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment, confirming the same; and the sum or sums so assessed, together with his, her, or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village; and if not residing therein, to be paid to the village treasurer for the use of such party, person, or claimant, before such street, highway, alley, lane, water-course, square, market-place, or public park shall be made, opened, established, or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises, or property to be immediately converted to and for the use and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of Clinton, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of said justice therein, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding, from any court whatever, shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening, or extending such street, lane, alley, square, water-course, market-place, or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings, aforesaid, duly certified by said justice, within forty days after the rendi-

tion of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in cases of appeals from justices' courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Sec. 37. The common council is authorized to cause such of the streets, highways, alleys and lanes in said village as shall have been used for six years or more prior to the passage of this act as public highways, streets, lanes or alleys, which have not been sufficiently described or have not been duly recorded, to be surveyed, the grade thereof established, described and recorded in the office of the village recorder in a book to be denominated the book of street records; and the common council shall cause a survey or description and plat of every public ground, highway, street, lane and alley, or part thereof, which shall be hereafter opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in the said book of street records, and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane or alley, or of that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council vacating or closing any public ground, park, highway, street, lane or alley, or any part thereof, shall also be recorded in said book of street records, and the same shall be evidence as aforesaid.

Council to order a new survey of streets.

To provide book of street records.

Ordinances to be recorded in.

Sec. 38. The common council shall have the power to assess and levy at any time, by a special tax, the expenses of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curb-stones and culverts therein; of draining low lands; of grading, paving or planking and repairing sidewalks; of making drains and sewers and other local improvements upon the lots, premises and subdivisions thereof which are in front of or adjoining to such streets, sidewalks, drains, sewers, and other improvements, and upon other lots and

Power of, to assess taxes.

To make by-laws relative to mode of assessing.

premises which, in the opinion of the common council, are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, which shall be exclusive of and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor in the same manner as for ordinary village taxes.

When may compel owners to repair sidewalks.

Sec. 39. Whenever the common council shall deem it expedient, they may, by ordinance, resolution or otherwise, require the owners and occupants, or either, of land in said village, or any specified part thereof, to construct, repair, maintain, and reconstruct sidewalks, pavements and other improvements in any street, lane or alley adjoining their respective lots or premises to the middle of such street, lane or alley, in such manner and with such materials as the common council, by ordinance, reso-

Paving to be done at public expense.

lution or otherwise, may direct; but with reference to paving this shall apply only to streets that are graded, and when enforced for the purpose of paving any such streets outside of the sidewalks on said streets, the paving may be done at the public expense, or if assessed upon the property adjoining that portion of said streets ordered to be paved, said property so assessed for paving may be exempted from further taxes thereafter for highway purposes in the discretion of the common

Proceedings when owner fails to construct sidewalks.

council; and if the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served or published as the common council may direct, by ordinance, resolution or otherwise, shall fail or neglect to construct, repair, maintain or reconstruct any sidewalk or pavement, or other street improvement, or to plank any street, or to clear away any snow, ice, or other obstruction from any sidewalk adjoining to such lot or premises within such time and in such manner and with such materials as the common council may prescribe or require, by ordinance, resolution or otherwise, the common council may cause the same to be done at the expense of the village; and such expense shall

be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the amount of the general village tax on such lot or premises in the tax roll next thereafter to be made, and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid, the land may be sold therefor in the same manner as for ordinary village taxes.

Expenses of grading to remain a lien on premises.

Sec. 40. The common council shall have power and authority to raise annually by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them, and they shall, on or before the first day of June in each year, determine, by resolution, the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied, shall not exceed, in any one year, one per cent. upon the assessed valuation of the taxable property in said village, exclusive of, and in addition to any taxes which may be levied by virtue of any provisions of this act, as a special assessment for public or local improvements; and every tax lawfully imposed by the common council upon any lands, tenements, and hereditaments in said village, shall be and remain a lien upon such lands, tenements, and hereditaments until the same shall be paid.

Liabilities of village to be paid by tax.

Proviso.

Sec. 41. The common council shall have power to assess and collect from every male inhabitant of said village, being over the age of twenty-one and under fifty years, (except paupers, idiots, and lunatics, and other persons who are by law exempt,) an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same.

Poll tax; who to pay.

Sec. 42. The assessor of said village shall, once in each year, between the fourth Monday of April and the third Monday of May, make an assessment roll containing a description of all of the property, both real and personal, liable to taxation in said village, and the name of the owner, or occupant or agent

Assessment roll; contents of.

Notice of
time and
place for
reviewing.

Right of
appeal.

Assessor to
deliver roll
to recorder.

Common
council to
complete
assessment
roll.

thereof, if known, and the name of all persons liable to pay a poll tax or capitation, as provided for in this act, and shall estimate and set down in such roll, the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be so made and completed, the assessor shall immediately give notice thereof by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village, for ten days next previous to the time for review therein stated; and such notice shall give the time and place where he will be, and have said roll for inspection and review; at the time and place so appointed, the assessor, on application of any person interested, may reduce the valuation, on a sufficient cause being shown, on oath, to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner authorized to reduce such valuation; and the common council may, at any time before the tax is collected on such roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall complete and deliver said assessment roll to the village recorder on or before the first day of June in each year.

Sec. 43. It shall be the duty of the common council once in each year, and immediately after the assessor shall have delivered said assessment roll to the recorder as provided in section forty-two, to estimate and cause to be set down in a column opposite to the several sums therein set down as the value of real and personal estate, the respective sums in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself; any special tax for local or public improvements authorized by any provision of this act may be included in said

assessment roll, and shall be set down in a column by itself, opposite the proper description; any poll tax, or tax upon the owners or keepers of dogs authorized by this act, may be included in said roll, and the last column of said roll shall contain the total amount of taxes; the common council shall cause a copy of said roll when completed as aforesaid, to be made, and shall annex to such copy, a warrant under the hands of the president and recorder, commanding the marshal to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant, and directing him to pay such money when collected to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the common council may deem best.

Delivered to
marshal
with warrant
attached.

Sec. 44. The marshal upon receiving the said copy of tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, wherever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice, and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property in accordance with the revised statutes of this State.

Marshal to
collect taxes

May sell
property for
taxes.

Sec. 45. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto a statement in writing, under oath, of all taxes

Return
of unpaid
taxes.

so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor upon diligent inquiry, to discover any goods or chattels subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village, within five days thereafter.

Recorder
authorized
to sell land
for taxes.

To give no-
tice of sale.

Certificate of
purchase.

Proviso.

Sec. 46. The recorder, after such statement and copy of roll shall have been delivered to him, shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands, returned in said statement on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, first giving at least thirty days' notice of the time and place of sale, by advertisement, containing a description of the land, name of owner, if known, and amount of tax, posted up in three of the most public places in said village, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, once in each week, for four successive weeks prior to said sale. On the day mentioned in said notice the recorder shall commence the sale of said lands, and continue until so much be sold as will pay the said taxes and expenses, and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate, in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for the said taxes and expenses, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have a like effect in all respects as if the same

had been given to any other purchaser therefor; upon the completion of said sale the recorder shall deliver to the treasurer of said village a certified statement thereof, containing a description of the land sold, the date of sale, and the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer in a book to be provided and kept by him for that purpose; and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Recorder to deliver statement to treasurer.

Sec. 47. Any person claiming any of the lands sold, as aforesaid, or any interest therein, may, at any time within one year next succeeding the day of sale, redeem any such lands, or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent. per annum from the date of sale, for the use of purchaser, but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment, a certificate of the redemption thereof.

When lands may be redeemed.

Sec. 48. Upon the presentation of any such certificate of sale to the recorder of said village, after the expiration of the time for the redemption of the land sold, as aforesaid, he shall, unless such lands have been redeemed, as aforesaid, or the certificate of sale canceled, as hereinafter provided, execute to the purchaser or purchasers, his, her, or their heirs, assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made an estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessor, to the date of the deed, inclusive; and every such conveyance executed by the recorder, under his hand and seal, witnessed, acknowledged, and recorded

Conveyance; when recorder may execute.

May be used as evidence.

When certificate of sale may be canceled.

in the usual form, may be given in evidence in all the courts of this State, in the same manner, and with like effect as any other conveyance of real estate, or any interest therein; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned wrongfully for non-payment, by mistake or otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money.

Justices of the peace to determine offenses.

Sec. 49. Any of the justices of the peace of the township of Ovid are hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justice shall have power to hear, try, and determine all charges, complaints, actions, and prosecutions for the recovery or enforcing of any and all fines, penalties or forfeitures, for alleged violation or infringement of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to some other court. The proceedings in all such actions and prosecutions shall be according to, and governed by the general laws and rules of practice in this State, applicable to courts of justices of the peace.

Offenders entitled to jury.

Sec. 50. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any offense or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury and in the trial the cause shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and *certiorari* from the justice's court to the circuit court for the county of Clinton shall be allowed to the parties on the same terms, and the same bond shall be given as is or may be required by law

in cases of *certiorari* or appeals from justices' courts in other cases.

Sec. 51. Whenever a conviction is had or judgment rendered for any fine, penalty or forfeiture for a violation of this act, or of any by-law or ordinance of said village, it shall be with cost of suit, and execution therefor may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the person to prison, if it be so adjudged and according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of any justice, he shall issue the necessary process to carry such judgment into effect. Proceedings in case of conviction.

Sec. 52. The common council shall have power to impose fines, penalties, and forfeitures not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof; and the several justices of the peace of said township of Ovid shall have power in all cases where, by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of Clinton; and it is hereby made the duty of the keeper of said county jail, to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction. Fines and penalties; when common council may impose. When justices of the peace.

Sec. 53. The common council shall have power to erect and maintain in said village, a village prison, and any person convicted of a violation of this, or of any by-law or ordinance made by the common council of said village, may be sentenced to imprisonment therein not to exceed thirty days; and any person arrested for a violation of this act, or of any by-law or ordinance of said village, or of any law of the State, may be imprisoned in Village prison.

said village prison during the time that shall elapse between the time of arrest and the time of trial or examination; and the common council shall have power to make all necessary rules and regulations for the government of said prison, and to appoint a keeper thereof.

Power of
council to
carry out
ordinances.

Sec. 54. Whenever by the provisions of this act, any power or authority is given, or duty imposed upon the common council, the common council may enact such ordinances, and establish such rules and regulations as may be necessary to carry into effect such powers and authority, and to regulate the performance of such duty.

Suits; how
brought.

Sec. 55. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of the people of the State of Michigan; and in any such suit or prosecution, it shall not be necessary to set forth in the complaint and warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title; but it shall be sufficient to state in the complaint and warrant with reasonable certainty of time and place, the act, violation, or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law as the case may be, of the village of Ovid, referring thereto by its title. And all process issued by any justice of the peace in any such suit or proceeding, shall be directed to the marshal of the village of Ovid, or to any constable of the county of Clinton, and the same be executed within the counties of Clinton and Shiawassee.

Complaint;
what to set
forth.

Style of
ordinances.

Sec. 56. The style of all ordinances shall be: "The common council of the village of Ovid ordain." The time when any by-law or ordinance passed by the common council shall take effect shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published two weeks successively in a newspaper printed and published in said village, or by written or printed notices posted

up in three of the most public places in said village; and like notice shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution and laws of the United States or of this State.

Sec. 57. All fines, penalties, and forfeitures recovered for any violation of the provisions of this act, or of the by-laws or ordinances made in pursuance thereof, and all money received for licenses, or from other sources, belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any person who shall refuse or neglect to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 58. In suits or proceedings in which the common council of the village of Ovid shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Sec. 59. The common council shall, in the month of March in each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it, not previously audited, and shall make out in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under such appropriation, the amount of taxes raised, the

amount expended on streets, the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village, and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

All accounts
to be verified
by affidavit.

Sec. 60. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Council au-
thorized to
borrow
money for
cemetery.

Sec. 61. The common council of said village may borrow, for the time being, in anticipation of receipts from the sale of cemetery lots, as hereinafter in this section provided, such sums as they deem necessary, not exceeding twenty-five hundred dollars, for the purpose of purchasing land for a village cemetery, and may issue the bonds of the village therefor, which bonds shall be signed by the president, recorder and trustees of said village, and shall be so drawn that no greater amount than two hundred dollars of the principal thereof, exclusive of interest, shall become due in any one year; and the bonds so issued and the money so borrowed shall be a separate and distinct fund, to be known as the cemetery fund; and the common council are hereby authorized and empowered to locate, either within or without the limits of said village, and purchase with said fund for such purpose, a tract of land, not exceeding twenty acres, which shall be conveyed to said common council; and the common council are hereby authorized and empowered to have the management, control and supervision of any such ground so purchased by them, and shall cause the same to be surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered thereon, and also, their size,

To locate
ground for
cemetery
and lay out
same

To cause
maps to be
made.

situation and extent, with the width, extent and location of all the streets, alleys or walks in such grounds, which maps shall be certified by said council to be a correct map of the cemetery ground of said village. One of said maps shall be filed in the office of the recorder of said village, and one in the office of the register of deeds of the county in which such ground is situated; and the common council may contract, sell and convey the lots in said ground, and the proceeds thereof shall be appropriated for the following purposes, in the order mentioned:

How proceeds shall be appropriated.

First. To defray expenses of said survey and maps.

To pay for maps.
For fencing grounds.

Second. For fencing around said ground, and for making such other improvements as the common council may deem necessary and important, without any further delay; such improvements to be discretionary with the common council.

Third. To pay for said ground, or to redeem, pay, and cancel any bonds of said village that may have been issued in payment therefor.

To cancel bonds.

Fourth. To improve, ornament, and beautify said ground and the appurtenances thereto belonging, and for such other purposes relating to said cemetery as the council may deem best.

To improve grounds.

All moneys received for lots sold, or in any way accruing to the credit of said fund, shall be immediately paid by the person receiving the same to the treasurer of said village, and it shall be the duty of said treasurer to keep, in a proper book, a separate and distinct account with said cemetery fund, charging thereto all moneys which the council may advance and appropriate to the use of said cemetery ground out of the general funds of the village, and crediting thereto all moneys received by him belonging to said fund. The common council may set off a part of said ground as a potter's field, and under proper regulations, permit the dead to be buried therein. The common council may also appoint a sexton to take charge of and watch over such ground, who, by virtue of such appointment, shall have the powers of a village policeman, who may arrest without process any person found violating any ordinance or by-law of said village relating to said ground, the property and

Treasurer to receive all moneys.

Potter's field.

Sexton.

amount expended on streets, the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village, and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

All accounts
to be verified
by affidavit.

Sec. 60. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Council au-
thorized to
borrow
money for
cemetery.

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To locate
ground for
cemetery
and lay out
same

To cause
maps to be
made.

Council to
pass by-laws
to protect
grounds.

appurtenances thereto belonging. And the common council are hereby authorized and empowered to enact all such ordinances and by-laws as they may deem necessary for the protection and preservation of the monuments, tombstones, bridges, trees, shrubbery, property, ornaments, and improvements therein, and the grounds thereof, and the fences in and around the same, and for the orderly conduct and good government thereof.

Purchase of
fire-engine.

Sec. 62. The common council of said village may borrow for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and

Proviso.

may issue bonds of the village therefor: *Provided*, That the council shall not borrow to exceed five thousand dollars, for the purpose of buying a fire engine and other necessary fire apparatus, unless authorized to borrow a greater amount by a majority vote of the qualified electors of said village, at their annual village election, which vote may be taken *viva voce* or otherwise, as the council shall determine or direct; but the whole sum so borrowed shall not exceed eight thousand dollars:

Ibid.

And provided further, That no greater amount than one thousand dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year.

Public act.

Sec. 63. This act shall be deemed a public act, and shall be favorably construed in all courts and places.

Sec. 64. This act shall take immediate effect.

Approved March 24, 1869.

[No. 347.]

AN ACT to incorporate the village of Portsmouth.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Portsmouth, in the county of Bay, as is embraced in the following boundary, to wit: Commencing at

a point on the east line of the west half of the west half of section number thirty-three (33), in township fourteen (14) north, of range number five (5) east, where the south line of Jefferson street, in Daglish division of Portsmouth, intersects said east line; thence south on said east line to the south line of said section; thence east to the center line of the Bay City and East Saginaw railroad; thence south on said center line, and on the east line of the west half of the north-west quarter of section number four (4), in township number thirteen (13) north, of range five (5) east, to the south line of said north-west quarter of said section four (4); thence west on said south line of said north-west quarter, and on the south line of fraction number seven (7), in section number five (5), township number thirteen (13) north, of range number five east, to the center of Saginaw river; thence in a north-easterly direction, along the center of said river, to a point where the south line of said Jefferson street, in said Daglish division of Portsmouth, when extended west, will intersect said line; thence east on said south line of Jefferson street to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the "Village of Portsmouth."

Sec. 2. The inhabitants of said village, having the qualifications of electors under the constitution, shall meet at Miller's Hall in said village, on the third Monday of March in each year, or at such place, after the year 1869, as shall be provided by the common council of said village, and then and there, by a plurality of votes, elect by ballot from among the qualified electors of said village, one president, one recorder, one treasurer, and six trustees, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, Elections; when and where to be held. *Provido.* That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Judges and
clerks of
election.

Oaths of.

Time of
opening and
closing polls.

Canvass of
votes.

Tie; how
decided.

Sec. 3. At the first election to be holden under this act, any two of the trustees may be judges of the election, and the clerk of the village may be clerk of said election; and at any election that may be had subsequent to said first election, the president and treasurer of said village may be the judges of election, and the recorder of said village may be the clerk of election; and each of said judges and clerk shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner as is required by this act; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector so voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same. After the close of the polls at such election, the said officers shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the officers holding such election shall proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person voted for, and for what office voted for, and shall file such certificate in the office of the recorder of said village before twelve o'clock M. of the next day after said election. And in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper, of equal size, as there are persons having an equal number of

votes, and write a ballot for each of said persons on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected: *Provided*, That if at any election the said board of Proviso. election, as above designated, or any of them, be absent, the electors present may elect from the electors present the judges and clerk of said election, or such number as may fill the vacancy, who shall take the oath and perform the duties above specified.

Sec. 4. It shall be the duty of the recorder of said village to Recorder to give notice of elections. give at least five days' notice in writing, by posting the same in at least three public places in said village, of the time and place of holding all elections, and as soon as practicable, and within five days thereafter, after closing the polls at any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take and subscribe the oath of office prescribed by the constitution, before any person authorized to administer oaths, and file the same with the recorder of said village.

Sec. 5. The president, recorder, and trustees of said village Body corporate and politic. shall be known and designated by the name of "The common council of the village of Portsmouth," and they may have a common seal, and may alter and change the same at their pleasure, and shall be a body corporate, under the name of "The common council of the village of Portsmouth."

Sec. 6. The common council shall have power to appoint a Council to appoint certain officers marshal, street commissioner, and assessors, and such other officers as they shall deem necessary, whose elections are not herein provided for, and to require of them such bonds for the faithful performance of their duties as they may deem necessary, and may dismiss said officers so appointed, at their pleasure.

President
to preside at
meetings.

Recorder
to keep
records.

Treasurer
to act as
collector.

To keep all
moneys.

Recorder to
be clerk of
village.

To counter-
sign all
licenses.

To make
annual
assessment.

Proviso.

Marshal to
be police
constable

Sec. 7. It shall be the duty of the president to preside at all meetings of the common council, and in case of his absence the common council may appoint one of their own number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

Sec. 8. It shall be the duty of the treasurer to act as collector of said village; to safely keep all moneys coming into his hands belonging to said village, and to pay out the same on the order of the recorder, countersigned by the president, and at the expiration of his term of office to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor. The recorder shall be the clerk of said village, and shall keep the corporate seal and all the papers and files belonging to said village, not properly by this act in the custody of some other officer, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places when produced, of the matters therein contained; he shall countersign all licenses granted by the common council, and make a record thereof; he shall publish all ordinances of the common council, by posting the same in three public places in said village, and shall perform such other duties as this act shall direct, or which may be directed by ordinance of the common council. The annual assessment of all property in said village, shall be made by the recorder thereof, who for that purpose is hereby vested with all the necessary powers, and required to perform all the necessary duties of supervisors of townships, in relation to the assessment of property for taxation: *Provided*, That the power of said recorder shall be confined to the assessment for taxation for village purposes.

Sec. 9. The marshal shall be police constable, and may serve any and all processes that may be issued by any justice of

the peace of the township of Portsmouth, relating to offenses under this act, that may be delivered to him for that purpose, and shall perform and discharge all the duties of a constable, as provided for by the laws of this State, and shall be entitled to the same privileges and compensation as a constable, by the laws of this State: *Provided*, This shall not be construed to Proviso. confer upon said marshal, power to perform any duties under the general laws of this State.

Sec. 10. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of the village of Portsmouth, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may, from time to time appoint, and they shall have power to impose, levy and collect such fines as they may deem proper for non-attendance of the officers and members thereof, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, That no such fine shall Proviso. exceed five dollars for any one offense.

Sec. 11. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time within sixty days, and not less than five days after such vacancy shall have occurred: *Provided*, Vacancies; how filled. Proviso. That if at any time there is a single vacancy, the common coun-

cil may fill the same by appointment at any regular meeting, and that such appointee shall hold for the unexpired term.

Village to
be liable for
township
laws.

May assess
taxes for
streets.

Proviso.

Poll tax;
how collect'd

Sec. 12. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets, highways and bridges, and the levy and collection of taxes for the improvement of the same within the limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such amount of highway tax as they may deem necessary for the making and improvement of the streets, highways and bridges in said village: *Provided*, That said highway tax shall not exceed one-fourth of one per cent. on the valuation of the real and personal property in said village, exclusive of poll tax.

Sec. 13. Every male inhabitant of said village, being over twenty-one and not over sixty years of age, shall pay to said village a poll or capitation tax of one dollar. The common council shall, by ordinance, prescribe the time of assessing and collecting said tax, and the officer by which the same shall be assessed and collected, and any person who is liable to pay said tax, who shall neglect or refuse to pay the same when called upon by the officer so authorized to collect the same, shall be punished by a fine of five dollars, and in default of payment of said fine and costs of prosecution, shall be imprisoned in the county jail of Bay county for a term not exceeding ten days, to be determined by the justice of the peace trying said offender. All taxes and fines received by the village, pursuant to this section, shall be credited to the highway fund of said village.

Highway
fund; how
disposed of.

Sec. 14. If at any annual or special township meeting of the electors of the township of Portsmouth there shall be voted any sum of money as an appropriation for highway purposes, all that portion of said sum of money or appropriation which shall be assessed on the real and personal property within the corporate limits of said village shall be laid out and expended on the highways and streets within said village; and the town-

ship treasurer of said township shall pay over to the treasurer of said village all such moneys, collected by him, as are required by this section to be laid out on the streets of said village, and the said money shall be credited to the highway fund of said village, to be expended on the streets of said village under the direction of the common council.

Sec. 15. The common council shall be commissioners of highways for said village, and shall have the care and supervision of the highways, streets, bridges, alleys, and public pounds therein, and it shall be their duty to give directions for the repairing, preserving, and cleansing of such highways, streets, alleys, and public pounds, and cause the same to be done from time to time as may to them seem necessary, and to alter such streets and alleys as they shall deem inconvenient, subject to the restrictions contained in the following section.

Common council to be commissioners of highways.

Sec. 16. The common council shall have authority to lay out and establish, vacate, open, make, and alter such streets, alleys, sidewalks, and highways within the limits of said village, as they may deem necessary for the public convenience; and if, in the exercise of their power, they shall require the grounds of any person, they shall give notice thereof to the parties interested, his, or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of said common council, when the subject matter contained in said notice is to be acted on; and the said common council are hereby authorized to treat with such persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village, and it shall be his duty to give notice in the manner hereinafter mentioned:

To lay out streets.

Proceedings when private property is taken, etc.

To treat with owners of property.

Recorder to give notice in case of refusal to sell.

First. That the said village will, on some future day, not more than thirty days from the date thereof, (giving the day and hour,) apply to some justice of the peace of the township of Portsmouth (naming him) to empanel a jury to assess and

Empanelling of jury.

determine the compensation to be made for the private property to be taken;

Description
of property.

Second. And shall contain a general description of the property intended to be taken, and shall state the object or purpose, or nature of the public use for which the same is to be taken;

Owner noti-
fied to appear

Third. Such notice shall notify the owner, and all concerned, to appear before such justice of the peace at the time and place specified, and then and there attend to their interests in the matter of such disposition of said property;

Notice to be
posted up.

Fourth. Such notice shall be posted up in three public places in said village, at least ten days before the day mentioned for such appearance.

Justice to
cause jury
to be em-
paneled.

Sec. 17. Upon filing an affidavit of the posting of such notice as aforesaid, with the justice therein named, said justice shall at the time mentioned therein, proceed to cause a jury to be empaneled for the assessment and determination of the compensation aforesaid; said justice shall direct the marshal of said village, or any constable of the township of Portsmouth residing in said village, to prepare a list of twenty-four disinterested freeholders, who are competent to serve as jurors in courts of record. From such list the village attorney or other person representing said village, may strike out six names, and the owner or owners of property claiming compensation, or their representatives, may strike out six names; and in case such owners do not appear, or appearing, refuse or neglect to strike out such names, or said village, or both or either of said parties refuse or neglect to strike out such names, the said justice shall strike the same out, and the remaining twelve persons shall constitute the jury.

Marshal to
prepare list.

Jury list
completed.

Justice au-
thorized to
enforce at-
tendance of
jurors.

Sec. 18. The said justice shall thereupon issue a *venire* for the persons whose names are left remaining on said list, returnable not more than three days from the time of issuing the same, which *venire* shall be served the same as such process in civil cases pending before a justice of the peace is directed to be served, and the attendance of such jurors may be enforced, and

their failure to attend punished in the same manner as in civil cases in justices' courts; in case all the persons chosen as jurors and named in the *venire* do not attend, and their attendance cannot be enforced for any cause, the said justice shall cause the officer mentioned in section seventeen, to summon talesmen, until the full number of twelve jurors of proper qualifications under this act is completed. Such jury shall be sworn to Duty of jury. inquire into the just value, and to determine the compensation which should be made to owner or persons interested, on account of the proposed improvement, and to make a just estimate and determination thereof, and award to such owner or persons interested, his or their just compensation for the property to be taken for the public use as aforesaid.

Sec. 19. The jury shall proceed to view the place where the Jury to award damages. proposed improvement is to be made, and shall view the lands and premises to be taken for the public use, and evidence of value may be given before said jury in presence of and under the direction of said justice; and the said jury shall ascertain the just compensation which ought to be made to the owner or persons interested, and shall also consider the benefit which said improvement will be to such owner, and shall only award as compensation, the damage he or they may sustain, or value of the property so taken, after deducting therefrom the estimated amount of such benefit.

Sec. 20. The jury shall render their verdict in writing, which To render verdict in writing. shall be signed by each of them, and be delivered to said justice; and said jury shall thereupon be discharged, or failing to agree on a verdict, they may be discharged, as in like cases in justices' courts; at the time of receiving said verdict the justice shall enter the same in full in his docket, and shall thereunder certify that the entries by him made in said matter are full and complete.

Sec. 21. The said justice shall thereupon file a copy of the Justice to file copy of proceedings. proceedings, as they appear upon his docket, with the recorder of said village, who shall lay the same before the common council as soon thereafter as practicable. The common council

Council to
award com-
pensation.

shall thereupon cause the several sums so awarded as compensation, to be paid to the party or parties entitled thereto, and deliver the same to such person or persons, his, her or their agent or attorney.

When village
to become
vested with
lands.

Sec. 22. Upon the payment of the compensation awarded, as aforesaid, and after tender to such person or persons of the payment of the sum or sums awarded, as aforesaid, the said village shall become vested with the lands and premises so taken for the public use, as aforesaid, and may proceed to occupy the same, and use and improve the same.

Compensat'n
of marshal
and other
officers.

Sec. 23. The said common council shall pay to said justice, marshal or constable and jury, such reasonable compensation for their services as they may deem just, and they shall have power to discontinue proceedings before said justice, under this title, at any time before the award of said jury.

Council to
cause drains,
etc., to be
built.

Sec. 24. The common council shall have power to cause common sewers, drains, wells, pumps and reservoirs, to be built in any part of said village; to cause the grading, raising, leveling, repairing, paving, or covering with plank, or other material, any street, alley, highway, public ground or sidewalk of said village, provided that before paving or planking any street, two-thirds of the property interest of such street shall petition for the same.

Proceedings
when assess-
ment is to be
levied for
public im-
provements.

Sec. 25. Whenever the common council shall determine that the whole or any part of the expense of any public improvements, not requiring the taking of any land by the said village, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by resolution, and an entry of the same in their minutes, and may proceed to let the contract for the performance of said work, and when the contract shall have been so let, the common council shall declare by resolution, whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed and the portion of the village which they deem to be benefited by such improvements; the cost and expense of making the esti-

mates, plans and assessments incidental thereto, shall be included in the expense of such improvements.

Sec. 26. The common council shall thereupon make an order, reciting the public improvements so made, the amount of expense to be assessed as aforesaid, and the portion or part of the village on which the same is to be assessed, designating and directing three resident freeholders of said village, not interested in any of the property so benefited, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense, in proportion as nearly as may be, to the advantage which each shall be deemed to acquire by making such improvements, which order shall be certified by the recorder of the village, and delivered to one of said commissioners, together with a map or profile of the improvements so made, if the common council shall by resolution so declare.

Council to make order, requiring assessment to be made.

Sec. 27. It shall be the duty of said commissioners so appointed, to meet together at such time and place as the common council shall appoint; and thereupon said commissioners shall severally take and subscribe an oath, before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and that they will faithfully and impartially discharge the duties imposed upon them by said order, which said oath shall forthwith be filed with the recorder of said village; and in case said commissioners, or any one of them, from any cause fail to act, the said council shall proceed, in like manner, until three commissioners are sworn, as aforesaid, and have discharged the duties imposed upon them.

Commis'srs to take oath.

Sec. 28. The commissioners thus sworn, shall proceed to make an assessment, according to said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, if the owners or occupants are known, the description of the property assessed, and the amount assessed thereon, which assessment roll shall be subscribed by them, or a major-

Assessment roll; contents of.

ity of them, and return the same to the common council within fifteen days from the date of their appointment.

Notice of.

Sec. 29. Upon such return being made and filed, the recorder shall give notice by posting the same in three public places in said village, that said assessment roll is filed in his office, and that the common council will, at the time to be designated by them, proceed to hear any appeal from the said assessment.

Corrections;
when may
be made.

Sec. 30. At the time appointed for that purpose, and such other times as the hearing may be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment, in whole or in part, and may set the same aside and direct a new assessment, either by the same persons or by such other persons as the common council may appoint for that purpose, or the said common council may ratify and confirm such assessment, with or without any correction therein, as they may think proper.

Completion
of.

Sec. 31. Every assessment so ratified and confirmed by the common council as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises

Time for
paying taxes

assessed for such tax; when said assessment roll shall have been so confirmed, and within two days thereafter, the assessment roll so confirmed shall be placed, by the recorder, in the hands of the village treasurer, who shall give a receipt therefor and be charged therewith, and who shall retain the same in his hands for the space of thirty days, during which time any person may pay the amount of taxes against such person or his property to said treasurer, who shall receive and receipt for the same, and mark the same paid on his roll; and within five days from the expiration of said thirty days, the recorder shall take such assessment roll into his hands and shall add such percentage to the sums remaining unpaid as shall be fixed by the common council, not exceeding four per cent. as fees for collecting the same, and shall annex or attach a warrant to said special assessment roll, directed to said treasurer, which warrant shall be signed by the president and recorder, and shall direct the

Extra
percentage
allowed to
treasurer.

treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant annexed shall be delivered to said treasurer within ten days from the date when said warrant shall be attached to said roll, who shall thereupon be authorized to levy and collect the same by distress and sale of any property of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall make report to the recorder of the sums remaining unpaid, together with the description of the property or premises assessed for such taxes; and said recorder shall assess such unpaid taxes, together with interest at the rate of twenty per cent. per annum on all sums so uncollected, from the date of the return of such assessment and tax roll by the village treasurer to the date of the warrant for the collection of the village tax roll, in which the same shall be placed by the recorder on such premises, in the general tax roll next thereafter to be made, and such tax shall then be levied and collected, and the premises may be sold for the non-payment thereof, as provided for ordinary village taxes: *Provided*, That such tax may be paid to said treasurer at any time after said return by said treasurer, and before it is put into the general village tax roll, by paying to the village treasurer the amount of the tax so assessed against him or his property, together with interest at the rate of twenty per cent. per annum, from the time of the return by the village treasurer of such assessment roll to the date of such payment.

Sec. 32. Every tax or assessment for public improvements, or other purposes authorized by this act, except herein otherwise provided, assessed upon any lands, tenements or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands and premises on which or in respect to which the same shall be made, from the time of filing the roll containing the same with the recorder until the same shall be paid or satisfied.

Village to be
divided into
sewerage
districts.

Proviso.

Ibid.

Amounts to
be collected
for use of
drains, etc.

Sec. 33. The common council may divide said village into sewerage districts, no more than four in number, and may cause not more than one main sewer to be constructed in each of said districts: *Provided*, That no lateral sewers or drains shall be ordered by said council, unless the owners of one-half of the lands along which said lateral drain or sewer is proposed, shall petition said council for the same: *And provided further*, That all main sewers shall be constructed and laid an east and west course through said village, and that all others shall be deemed lateral sewers.

Sec. 34. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain as follows, to wit: The sum of one dollar and fifty cents annually, for each cellar drained directly or indirectly by a drain into any public drain or sewer, and the sum of fifty cents annually for each lot being without a cellar, drained as aforesaid into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual amount of drainage as aforesaid, which sums when collected shall constitute the sewer fund, and shall be expended exclusively for the repairs and construction of sewers; and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

Common
council au-
thorized to
order the
construction
of walks.

Sec. 35. Whenever the common council shall deem it expedient to construct any sidewalk or pavement, or plank any street within said village, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining said street, to lay said sidewalk, or construct such pavement, or plank such street, to the middle of said street, in front of his or her lot or house, or said common council may direct such sidewalks and pavements, and such streets to be planked, to be made according as is otherwise provided for in this act; the common council may in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners or occupants of land in said village,

May compel
owner to re-
pair side-
walks.

to repair, maintain and reconstruct sidewalks, pavements and street improvements adjoining their respective premises, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected may be collected by him from the owner of the premises, unless otherwise agreed.

Sec. 36. The common council are authorized to assess the Power of, to assess lands of non-resid'nts lands of non-residents of said village their just proportion of the expenses of clearing and repairing streets and sidewalks and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed, collected in the same manner, and the same proceedings shall be had in case of non-payment of the same, as in relation to the assessment for public improvements in said village, except as the common council may otherwise determine or direct.

Sec. 37. The common council shall meet at such times and Time of meetings of. places as they shall from time to time appoint.

Sec. 38. No ordinance passed or adopted by the common When ordinances shall take effect. council shall take effect or become operative until the same shall have been posted up at least twenty days in three public places in said village, by written or printed notices thereof.

Sec. 39. The common council shall have full power and Common council may pass laws relative to— Fees of officers. authority to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, recorder, and other officers; relative to the improvement of streets, lanes, and alleys of said village; relative to the time and Levying taxes. manner of assessing, levying, and collecting all taxes, fines, and assessments in said village, and relative to the making, executing, and delivering deeds, or other evidences of title to all lands sold by and under the by-laws and ordinances of said village: *Provided*, That all lands that may be sold for the non- Proviso. payment of taxes, fines, and assessments, under and by virtue of the by-laws and ordinances of said village, may be redeemed by the owner thereof at any time within one year from the date of such sale: *Provided also*, That no greater interest than Ida. twenty per cent. shall be charged on the same: *Provided also*,

Ibid.

That said village may become a purchaser at any sale of lands for non-payment of taxes, and may hold and convey the same.

Purchasing
ground for
cemeteries.

Sec. 40. The common council shall have full power to purchase and hold, for the use of the inhabitants of said village, suitable grounds for cemeteries and burial places; to make all needful rules and regulations respecting the same, and to levy and collect taxes upon the taxable property of said village, to pay all necessary expenses incurred in so doing, and also to make rules and regulations concerning shade and ornamental trees along the line of streets and sidewalks of said village.

Protection
of village
against fire.

Sec. 41. The common council shall have power to make such by-laws and ordinances as they may deem necessary to secure the village and the inhabitants thereof against injuries by fire,

Public peace

Riots.

Vagrants.

Safety of
village.

and by persons violating the public peace; for the suppression of riots and gambling, and the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties, and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

Liquors.

Firewood.

Obstructions
on streets.

Immoderate
driving.

Sec. 42. The common council shall have full power to prevent the vending or giving away of liquors in any place in said village; to regulate the measurement of fire-wood and the weighing of hay, and to prescribe and designate the stand for carts, wagons, and drays, and for wood, hay, and produce exposed for sale in said village; to prevent the incumbering of streets, sidewalks, and alleys; to appoint a sealer of weights and measures, to prevent and punish immoderate driving in any of the streets of said village, and to prevent bathing in any of the public waters of said village; and said council shall have full authority to pass such by-laws and ordinances as they may deem necessary for the protection of the health of the inhabitants of said village.

Sec. 43. The common council shall have full power to enact such ordinances, by-laws, and regulations as they may deem advisable to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain and prevent disorderly and gaming houses, and houses of ill-fame, and to prohibit all gaming, and regulate and restrain billiard tables and bowling alleys; to abate and remove nuisances of every kind, and to compel the owner or occupant of any grocery, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said village; also, to prohibit, restrain, license, and regulate all sports, exhibitions, and public performances for money; also, to prevent the discharge of fire-arms, and the making of bonfires in streets and yards; and to regulate and provide for the anchorage and removal of all water-crafts being and lying in the Saginaw river in front of said village; also, to establish one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding, (provided that said village may become a purchaser of any property sold for said penalty and costs and fees, and may hold and dispose of the same;) also, said common council shall have full power and authority to make by-laws and ordinances to prevent any person from depositing, within the limits of said village, any dead carcass, or other offensive substances, and to require the removal or destruction thereof; to compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow and other obstructions, and to prevent disturbing noises in the streets; also, to provide for the lighting of the streets and alleys, and for the protection and safety of public lamps; to prescribe the duties

Vice and
immorality.

Public peace

Disorderly
houses.

Nuisances.

Exhibitions.

Anchorage
of vessels

Pounds.

Offensive
substances.

Lighting of
streets.

Ibid.

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Riots.

Vagrants.

Safety of
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Firewood.

Obstructions
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Vice and immorality.

Public peace

Disorderly houses.

Nuisances.

Exhibitions.

Anchorage of vessels

Pounds.

Offensive substances.

Lighting of streets.

Duties of
village
officers.

Lines for
building
docks.

Boundaries
of streets.

Punishment
of offenders.

Council to
examine all
accounts.

Authorized
to raise tax
to defray vil-
lage expenses

of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the village for the discharge of their duties; also, to prescribe the lines upon which docks shall be built in Saginaw river, and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars; and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair.

Sec. 44. The common council may establish and settle the boundaries of all streets and alleys in said village, and where, by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars (unless the imposition of a greater or less penalty be herein otherwise provided) for a violation thereof, and may provide that the offender on failing to pay the penalty imposed, shall be imprisoned in the county jail of Bay county until the payment of such penalty, not exceeding the term to be fixed by the court trying the offender, and not exceeding in any case the term of ninety days.

Sec. 45. The common council shall examine all accounts and demands properly chargeable against said village, and shall provide for the payment of the same, subject only to the limitations and restrictions in this act contained.

Sec. 46. For the purpose of defraying the expenses and all liabilities incurred by said village, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said village, such sum as they may deem necessary, not exceeding one per cent. on the valuation of such real and personal estate within the limits of said village, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax; and such tax of one per cent. shall be exclusive of all special assessments for public improvements, to wit: grading and planking streets and highways, constructing sewers and drains, constructing and repairing sidewalks and cross-walks, highway

tax and capitation or poll tax, and all other special assessments lawfully made.

Sec. 47. Every assessment of taxes lawfully laid and imposed by the common council, on any lands, tenements, hereditaments or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax, until paid, and the owner or occupant, or parties interested, respectively, shall be liable, on demand, to pay every such assessment or tax; and in default of any such payment, or any part thereof, it shall be lawful for the treasurer of said village to sell personal estate, and for want thereof, to sell real estate, rendering the surplus, if any, arising from said sale, after deducting the costs and charges of the same, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said treasurer, notice of the time and place of said sale shall be posted up in three public places in said village, at least four weeks previous to such sale; and the said treasurer shall give to the purchaser or purchasers, at such sale, of any of the lands sold by him, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale, shall not, within one year from the date thereof, pay to the said treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in the certificate, together with the interest thereon, at the rate of twenty per cent. per annum, from the date of such certificate, the said treasurer, or his successor in office shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs or assigns, a conveyance of the lands so sold, which conveyance shall be *prima facie* evidence that the sale, and all proceedings up to said sale, were regular and according to the provisions of this act and the ordinances of said village, and shall vest in the person or persons to whom said conveyance shall be made, an estate in fee simple.

Taxes to be
a lien on
premises.

Treasurer to
sell estate
for taxes.

Proviso.

Certificate of
purchase.

Conveyance.

May be used
as evidence.

Annual
statement;
contents of.

Sec. 48. On the last Monday in the month of February in each year, the common council shall audit and settle the accounts of the village treasurer, and the accounts of all other officers, and shall make out a statement in detail, of the receipts and expenditures of the corporation during the preceding year, and give all the facts and figures in such statement, as shall be necessary to a full understanding of the financial concerns of the village, and place the same on file in the recorder's office.

How suit
shall be
commenced.

Sec. 49. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said village, or at his usual place of business therein, whose duty it shall be to inform the president and trustees thereof: *Provided*, That the first process shall be by summons or declaration, and a copy thereof left with the recorder, at least ten days' before the return day thereof.

Proviso.

Council to
establish fire
companies.

Sec. 50. The common council shall have authority to establish and organize all fire companies, and hook and ladder companies, and provide them with engines and hose, and all other instruments as shall be necessary to extinguish fires, and preserve property of the inhabitants of said village from conflagration; and said companies shall be organized as the common council may, by ordinance direct, and the fire department shall in all respects be under the control and government of the common council, and shall obey all by-laws and ordinances made by said council, under such penalties as shall be prescribed therein.

Authorized
to borrow
money and
issue bonds.

Sec. 51. The common council are authorized and empowered to borrow such sums of money (not exceeding the sum of three thousand dollars) as may be necessary to purchase a fire engine, hose, and necessary equipments for the fire department of said village, and may make the same payable in not less than five nor more than ten years, at a rate of interest not exceeding ten per cent. per annum; and said common council,

in case any money is borrowed as above provided, are authorized and empowered to issue the bonds of said village therefor, and they are further authorized and empowered to provide for the payment of said bonds, at their maturity, by assessing the amount on the real and personal property of said village, in addition to all other taxes that may be levied by virtue of this act: *Provided*, That the interest on said bonds shall be paid ^{Proviso.} annually, out of the general fund of said village.

Sec. 52. Any justice of the peace of the township of Portsmouth, residing in said village, shall have full power and ^{Duty of justice of the peace.} authority, and it is hereby made the duty of such justice, upon complaint to him, in writing, by the village attorney, sworn to positively, or upon the information and belief of such attorney, or upon the oath of any other person, to inquire into, hear, try, and determine all offenses which may be committed in said village against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizances for the keeping of the peace, for the appearance of the persons charged, and upon appeal, and to commit to prison as occasion shall lawfully require.

Sec. 53. In all prosecutions for the violations of any of the ^{Manner of conducting prosecutions} by-laws or ordinances passed by the said common council, upon complaint being made, in writing, by the village attorney, or by any other person, upon oath, before any justice of the peace of the township of Portsmouth, residing in said village, setting forth therein the substance of the offense or offenses complained of, such justice of the peace shall issue a warrant, ^{Justice to issue warrant} in the name of the people of the State of Michigan, for the apprehension of the offender or offenders, directed to the marshal of said village, (except in case mentioned in section fifty-^{Marshal to arrest offenders.} six of this act,) and such process may be executed by said officer any where within Bay county, and shall be returnable the same as other similar process issued by justices of the

peace; that upon bringing the person or persons so charged before said justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of "not guilty" for the person so charged; that upon said complaint and plea a trial shall be had, and upon conviction of said offender, and the imposition of a fine, it shall be the duty of said justice of the peace to issue an execution, directed to the marshal of said village, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of Bay county, and the sheriff of said county shall safely keep the body of the person so committed in said jail, until he be discharged by due course of law; and in case by the judgment of said justice a fine be imposed, and by such judgment it be further provided that such person so convicted, or failing to pay said fine so imposed, shall be imprisoned in the county jail of Bay county until the payment of such fine, not exceeding a term to be fixed in said judgment, and not exceeding in any case the term of ninety days, then said justice shall issue a commitment, directed as aforesaid, commanding the commitment of such person to the said jail, until the payment of such fine, not exceeding the time fixed in the judgment of the court, or until he be discharged by due course of law; and in cases where fine and imprisonment, or imprisonment alone shall be imposed upon the person so convicted by the judgment of such justice, said justice shall issue the necessary process to carry such judgment into effect; and in all cases where any person shall be committed to said jail in the manner aforesaid, the sheriff of Bay county, or keeper of said jail shall receive and safely keep the body of such person so committed, until discharged by due course of law: *Provided*, That said imprisonment shall be at the expense of said village of Portsmouth.

Duty of justice in case of conviction

Offender to be committed to jail.

Limit of imprisonment.

Duty of jailor.

Provided.

Sec. 54. In prosecutions for the violation of any of the by-laws or ordinances of said village, it shall not be necessary to plead or set forth any such by-law or ordinance, or any of the provisions thereof, in any complaint, pleading, warrant, writ or process, but the same shall be deemed well and sufficiently pleaded and set forth, by reciting the title to any such ordinance or by-law, and the date of its passage or approval; and the court or officer before whom any such prosecution shall be tried, shall take notice, without proof of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

When any by-law shall be deemed sufficiently set forth.

Sec. 55. The corporation of the village of Portsmouth shall be allowed the use of the common jail of said Bay county, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed, until lawfully discharged, as in other cases.

Corporation allowed use of county jail.

Sec. 56. Whenever any person charged with having violated any ordinance or by-law of the common council, by which the offender is liable to imprisonment, shall have escaped from said village, or shall reside or be without the limits thereof, any justice of the peace of the said township of Portsmouth to whom complaint shall be made, shall issue a warrant to the sheriff or any constable of said county of Bay, or the marshal of said village, commanding him or them forthwith to bring the body of such person before him to be dealt with according to law; and any such officer to whom such warrant shall be delivered for service is hereby required to execute the same in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Manner of arresting escaped prisoners.

Process;
how directed

Sec. 57. All process issued by any justice of the peace of the township of Portsmouth, to enforce or carry into effect any of the by-laws or ordinances of the common council, (except in the cases mentioned in section fifty-six of this act,) shall be directed "to the marshal of the village of Portsmouth," and such process may be executed by said officer any where within the county of Bay, and shall be returnable the same as other similar process issued by justices of the peace.

Offenders
entitled to
jury.

Sec. 58. In all trials before any justice of the peace, of any person charged with the violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury, and in the trial of the cause shall be in conformity as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases civil and criminal, he shall have the right of appeal from the justice's court to the circuit court of Bay county, and shall abide the order of the court therein, on the same terms as is or may be required by law in appeals from justices' courts in similar cases.

Suits; how
brought.

Sec. 59. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, or of any by-law thereof, shall be brought in the name of the village of Portsmouth, under the direction of the attorney of said village; and no person being an inhabitant freeholder of said village, shall be disqualified for that cause from acting as a justice or juror in the trial or other proceeding in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any ordinance or by-law of the common council, nor for serving any process, summoning a jury in such suit, or from acting in any capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation, the said village or any village officer is a party, or in which said village or village officer is interested.

Citizens to
be compet'nt
as jurors.

Sec. 60. If any judgment in any action shall be rendered against the village by any justice of the peace, such judgment may be removed by appeal to the circuit court of Bay county, in the same manner and with the same effect as though the village were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said village. Right of appeal.

Sec. 61. All moneys received by said village for fines, penalties, and forfeitures, shall be disposed of as the common council may direct, who shall have power to remit any fines or penalties which are imposed by this act: *Provided always*, That any person or persons neglecting or refusing to pay any fine or judgment that may be rendered against him or them, under and by virtue of the charter or by-laws, or ordinances of said village, or either or each of them, and by reason thereof shall be committed for want of such payment, may at any time pay to the officer having him or them in charge, the amount of such fine or judgment, with the costs thereof, and costs and charges of commitment, and the fees and charges of such officer having such person or persons in charge; and from thenceforth such person or persons shall be discharged from such imprisonment; and the officer receiving such fine or judgment, with costs, as aforesaid, shall, within ten days thereafter, make return of his doings thereon, to the justice who issued the commitment, or his successor in office, and shall pay to the said justice the amount of such fine or judgment, with the costs aforesaid, except such officer's own costs and charges: *Provided always*, That if such officer shall neglect to pay such fine or judgment, with the costs aforesaid, to such justice, within said ten days, he shall be deemed guilty of a misdemeanor. Council to direct the disposition of all fines. Proviso. Officers receiving fines to make returns to justice. Proviso.

Sec. 64. All ordinances, by-laws, and rules now in force in said village, and not inconsistent with this act shall remain in force until amended or repealed by the common council of said village, and all officers of said village shall continue to hold their respective offices until others are duly elected and qualified under and by virtue of this act, and the by-laws and ordi- Time that ordinances shall remain in force.

All assessments to be enforced.

nances of said village; and all assessments, fines, and taxes, special and general, legally assessed, that are now in the hands of the marshal for enforcement and collection, may be enforced and collected under and by virtue of the laws, ordinances, and rules of said village, under and by virtue of which the same were imposed, assessed, and issued, or the same may be returned to the common council of said village, or so much of said assessments and fines as may not be collected, may be so returned to said common council by the marshal of said village, and the same may be reassessed by the recorder of said village, on the same property on which said return tax is now assessed, and may be collected in like manner as assessments, fines, and taxes are in this act, and the by-laws and ordinances of said village, passed under and by virtue of this act, authorized to be collected, together with such per cent. added as the common council may order, not exceeding twenty per cent.

Sec. 65. This act shall take immediate effect.

Approved March 24, 1869.

[No. 348.]

AN ACT to reincorporate the village of Fenton.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all that tract of land situated in the township of Fenton, in the county of Genesee, distinguished as the south half, and the south half of the north half of section twenty-five; the south-east quarter, and the south half of the north-east quarter, and the south-east quarter of the north-west quarter, and the east half of the south-west quarter of section twenty-six; the east half, and the east half of the west half of section thirty-five, and section thirty-six entire, of township number five north, of range*

number six east, be and the same is hereby constituted a village corporate, to be known by the name of "the village of Fenton."

Sec. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "The Village of Fenton," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal, and alter the same at pleasure, and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

Sec. 1. The officers of said village shall be a president, six trustees, one clerk, one marshal, who shall also be the collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

Sec. 1. The inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet at such place in said village, on the second Monday of April, in the year of our Lord one thousand eight hundred and sixty-nine, as the board of trustees of the present village of Fenton shall designate, and there proceed to elect one president, one treasurer, one assessor, one marshal and three trustees, who shall severally hold their offices for one year; also, three trustees and one clerk, who shall severally hold their offices for two years, and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished.

All assessments to be enforced.

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Sec. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall ^{Body corporate and politic.} hereafter be known in law by the corporate name of "The Village of Fenton," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal, and alter the same at pleasure, and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

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OF THE ELECTION OF OFFICERS.

Sec. 1. The inhabitants of said village, having the qualifications of electors under the constitution of this State, shall ^{Election of officers, and terms of office.} meet at such place in said village, on the second Monday of April, in the year of our Lord one thousand eight hundred and sixty-nine, as the board of trustees of the present village of Fenton shall designate, and there proceed to elect one president, one treasurer, one assessor, one marshal and three trustees, who shall severally hold their offices for one year; also, three trustees and one clerk, who shall severally hold their offices for two years, and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished.

All assessments to be enforced.

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Officers to be
elected at
succeeding
elections.

Sec. 2. At every election after the first, there shall be elected one president, one marshal, one assessor and one treasurer, who shall severally hold their office for one year, and three trustees who shall severally hold their office for two years, and at every second election after the first, one clerk, who shall hold his office for two years.

When terms
of office to
commence.

Sec. 3. The term of office of all officers shall commence immediately after their election and qualification, and continue until the election and qualification of their successors.

Time for
holding
elections.

Sec. 4. Elections for officers shall be held on the second Monday in March, in each year, at such places as shall be designated by the board of trustees, except as provided for at the first election.

Proceedings
when elect'n
is not held on
day app'nt'd

Sec. 5. If an election of the officers of said village shall not be held on the day when, pursuant to this act it should be held, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election.

Present offi-
cers to re-
main until
others are
elected.

Sec. 6. The officers in office in said village at the time of the passage of this act, shall continue to exercise the duties of their office until others are elected and qualified, under the provisions of this act.

ARTICLE IV.

OF THE QUALIFICATIONS OF OFFICERS.

Officers,
must be
electors.

Sec. 1. The officers of said village, elected in pursuance of the provisions of this act, or appointed as hereinafter provided for, shall be residents and legal voters of said village.

To take oath.

Sec. 2. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, to be administered by the clerk of said village, or by any other officer authorized to administer oaths, to support the Constitution of the United States, and of this State,

and that he will faithfully discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk of said village.

Sec. 3. The treasurer, marshal, and such other officers as the board of trustees may require so to do, shall each respectively execute a bond to "the village of Fenton," in such sums, and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, and honestly and faithfully account for and pay over all moneys received by them, by virtue of such office, which bond, with the approval of the board of trustees endorsed thereon, certified by the clerk, shall be delivered to and filed with the clerk of said village.

To execute bond.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

Sec. 1. The president shall be *ex officio* a member of the board of trustees, and have the powers and be subject to the like duties and responsibilities of a trustee.

President to be member of board of trustees.

Sec. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing for any specific purpose, by three of the trustees, or fifteen electors of said village.

To preside at all meetings and elect'ns.

Sec. 3. The president shall preside at all elections held under and by virtue of this act.

Sec. 4. The president shall see that all the by-laws, rules, regulations and ordinances of said village are faithfully enforced, and prosecute, in the name of "the village of Fenton," all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations, or ordinances passed by virtue thereof.

To see that laws are enforced.

To receive
and lay re-
ports before
trustees.

Sec. 5. He shall receive and lay before the board of trustees the official reports of all officers who may be required to make such reports, and, in connection therewith, suggest the passage of such measures as in his judgment the necessities of the village may require.

To appoint
marshal and
other officers

Sec. 6. He shall appoint, by and with the consent of the trustees, two or more fire wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him.

Proviso.

To have con-
trol of public
property.

Sec. 7. The president shall inspect and have the supervising control of the public property belonging to said village, and see that the same is properly cared for and kept in order.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

Board of
trustees.

Sec. 1. The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

Powers of.

Sec. 2. The board of trustees shall have full power within said village—

To elect
president
pro tem.

First. To elect one of their number president *pro tem.*, as hereinafter provided;

To define
powers and
duties of
officers.

Second. To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed in this act;

To determine
amount of
bonds.

Third. To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;

Fourth. To provide for the care, custody, and preservation of the public property of said village; To care for public property.

Fifth. To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them; To pass laws relative to duties of officers.

Sixth. To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department, and define their duties, and prescribe penalties for their delinquencies; Fire engines.

Seventh. To establish fire limits within which no wooden building shall be built, enlarged, or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same; Fire limits. Hazardous buildings.

Eighth. To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain, and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables, or any other device or instrument for gaming, and to punish the keepers of the same when kept in violation of any by-law, rule, regulation, or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors, and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Genesee; Vice. Houses of ill-fame. Vagrants.

Ninth. To prevent the selling or giving away of spirituous or fermented liquors, and to regulate and tax billiard saloons, or suppress the same; Liquors.

Tenth. To license and regulate caravans, circuses, theatres, shows, traveling concerts, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers, or Shows.

prohibit them from soliciting patronage of the community within the limits of said village;

Fast driving. *Eleventh.* To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the street unfastened;

Nuisances. *Twelfth.* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said village, and to punish persons for committing any nuisance, or violating any ordinance in relation to the same;

Obstructions on streets. *Thirteenth.* To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction;

Gunpowder. *Fourteenth.* To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, burning fluids, lumber, and other combustible material, and the storage and exhibition of fire crackers, and other fire-works;

Fire-arms *Fifteenth.* To prevent the use of fire-arms, slung-shots, metal knuckles, and other weapons;

Markets. *Sixteenth.* To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber;

Pounds. *Seventeenth.* To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls, from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Dogs. *Eighteenth.* To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

Nineteenth. To erect lamps, and cause the public grounds and such of the streets of said village as they shall deem proper, to be lighted at such times as in their judgment the wants and interests of the village may require; Lighting of streets.

Twentieth. To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; Building lines.

Twenty-first. To prevent the erection and provide for the removal of all buildings deemed unsafe; Unsafe buildings.

Twenty-second. To regulate the placing and provide for the preservation of hitching posts and shade-trees; Setting of shade trees.

Twenty-third. To provide burial-places and regulate the burial of the dead in said village, and to protect and preserve the monuments, tomb-stones, trees and shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village, and to appoint a proper person to have the charge and oversight of the same; Burial of the dead.

Twenty-fourth. To provide for the appointment of a village attorney, and to prescribe his duties and compensation; Village attorney.

Twenty-fifth. To determine and designate the route and grade of any railroad to be laid in said village, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within said village; Railroads.

Twentieth-sixth. To prohibit and regulate bathing in any of the public waters within the limits of said village, and to provide for cleansing Shiawassee river of drift-wood and other obstructions within the limits of said village. Bathing.

Sec. 3. The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships in this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more street commissioners, as they shall deem best: *Provided*, Nothing herein contained shall be so construed as to make it incumbent on the said corporation to build or keep in repair any of Trustees to be commissioners of highways. Proviso.

prohibit them from soliciting patronage of the community within the limits of said village;

Fast driving. *Eleventh.* To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the street unfastened;

Nuisances. *Twelfth.* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said village, and to punish persons for committing any nuisance, or violating any ordinance in relation to the same;

Obstructions on streets. *Thirteenth.* To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction;

Gunpowder. *Fourteenth.* To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, burning fluids, lumber, and other combustible material, and the storage and exhibition of fire crackers, and other fire-works;

Fire-arms *Fifteenth.* To prevent the use of fire-arms, slung-shots, metal knuckles, and other weapons;

Markets. *Sixteenth.* To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber;

Pounds. *Seventeenth.* To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls, from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Dogs. *Eighteenth.* To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

Nineteenth. To erect lamps, and cause the public grounds and such of the streets of said village as they shall deem proper, to be lighted at such times as in their judgment the wants and interests of the village may require; Lighting of streets.

Twentieth. To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; Building lines.

Twenty-first. To prevent the erection and provide for the removal of all buildings deemed unsafe; Unsafe buildings.

Twenty-second. To regulate the placing and provide for the preservation of hitching posts and shade-trees; Setting of shade trees.

Twenty-third. To provide burial-places and regulate the burial of the dead in said village, and to protect and preserve the monuments, tomb-stones, trees and shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village, and to appoint a proper person to have the charge and oversight of the same; Burial of the dead.

Twenty-fourth. To provide for the appointment of a village attorney, and to prescribe his duties and compensation; Village attorney.

Twenty-fifth. To determine and designate the route and grade of any railroad to be laid in said village, and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within said village; Railroads.

Twentieth-sixth. To prohibit and regulate bathing in any of the public waters within the limits of said village, and to provide for cleansing Shiawassee river of drift-wood and other obstructions within the limits of said village. Bathing.

Sec. 3. The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships in this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more street commissioners, as they shall deem best: *Provided*, Nothing herein contained shall be so construed as to make it incumbent on the said corporation to build or keep in repair any of Trustees to be commissioners of highways. Proviso.

the bridges crossing Shiawassee river within the limits of said corporation.

Trustees to cause expense of grading to be assessed on owners.

Sec. 4. The board of trustees shall have power to cause the expense of making, grading, paving, and opening of streets, lanes, alleys, sidewalks, cross-walks, parks, public grounds and other local improvements, to be assessed in whole or in part against the owner or occupants of lots and premises to be benefited thereby, or by general tax, in whole or in part, as they may deem just and proper, or as herein otherwise provided, subject to the restrictions in this act contained in relation to sidewalks and cross-walks; they shall also have full power and authority to provide for making, constructing and repairing all sidewalks and cross-walks in said village, and for paying the costs and expenses of the same by assessment on the owners or occupants of the lots, lands and premises in front of which sidewalks may be directed to be made, constructed or repaired:

Proviso.

Provided, That all assessments for cross-walks shall be made upon the premises in the block adjacent to said cross-walks, from the corner to the center of the front and side of said block, or constructed by general tax.

Power of, to take private property for streets.

Sec. 5. The board of trustees may take the land of any individual for the purpose of constructing, widening, or extending any highway, street, alley, lane, ditch, drain or sewer, but not until such individual shall be paid therefor, as provided for in article nineteen of this act, and to assess the amount to be paid therefor, either by a general tax upon the taxable property of said village, or upon the property to be benefited thereby, as they may deem just and proper.

May order fences removed.

Sec. 6. The board of trustees may, at any time during the year, exercise the power of ordering fences to be removed, or of opening, widening, and extending any highway, street, alley or lane, within said village.

May amend laws.

Sec. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish, and publish, modify, amend, and repeal by-laws, rules,

regulations, and ordinances, and shall have power to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed thirty days, or both, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations, and ordinances shall be published at least for two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village.

Prescribe penalties.

All by-laws to be published.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Sec. 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve, and keep all books and papers belonging to said corporation, and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations, and notices, as the board of trustees shall direct.

Clerk, to attend all meetings of trustees.

Sec. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter.

To keep poll list.

Sec. 3. The clerk shall give at least ten days' notice of the time and place of holding elections under this act.

To give notice of election.

Sec. 4. The books and papers in the office of said clerk shall at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand, and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

To keep books open for inspect'n

Clerk pro
tem.

Sec. 5. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

Marshal to
have general
supervision
of village.

Sec. 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations, and ordinances passed by the board of trustees of said village, according to the provisions of this act, are enforced.

To be chief
of police.

Sec. 2. He shall be *ex officio* constable and chief of police, with powers belonging to the constables of any township of this State, having power to enter into any disorderly or gaming house, or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any justice of the peace of the township of Fenton, who shall hear, try, and determine the matter: *Provided*, That nothing in this act shall be construed into his serving process in civil cases.

To arrest
disorderly
persons.

Proviso.

To compel
aid at fires.

Sec. 3. He shall have the power to compel the citizens to aid in extinguishing fires.

To be collec-
tor of taxes.

Sec. 4. The marshal shall be the collector of taxes in said village, and shall have full power to collect the same, as provided for in article thirteen of this act.

To be subject
to control of
president
and trustees.

Sec. 5. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint in writing, and on oath, before any justice of the peace for the township of Fenton, for any violation of the by-laws, rules, regulations, or ordinances of said village, passed by virtue

of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal.

Sec. 6. He shall report, in writing, to the board of trustees from time to time, as he may be required by resolution of the board of trustees, his acts and doings, by virtue of his office, which report shall be filed with the clerk of the village. To make report to trustees.

Sec. 7. The marshal may be removed from office for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties; but the cause of such refusal shall in all cases be spread at large upon the records of the village. When may be removed from office.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Sec. 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees. Treasurer to receive all moneys.

Sec. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report, in writing, of all items of receipts and disbursements, with a statement of the debts, dues, and demands of said corporation. To keep record of all receipts and disbursements.

Sec. 3. The treasurer shall not pay any money on account of said village, except upon a resolution of the board of trustees, and on an order signed by the president, and countersigned by the clerk. To pay out money only on order of trustees.

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act. May sell and convey lands.

ARTICLE X.

OF THE ASSESSOR OF SAID VILLAGE.

Assessor to
make assess-
ment roll.

Sec. 1. It shall be the duty of the assessor once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and shall set down in such roll, the valuation of such property at its fair cash value, as provided for in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said article.

ARTICLE XI.

OF VACANCIES IN OFFICE.

Vacancies;
how filled.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, or as soon thereafter as they may determine, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all of the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

ARTICLE XII.

OF THE COMPENSATION OF OFFICERS.

Compensat'n
of officers.

Sec. 1. The president and trustees shall each receive as compensation for attendance at the regular meetings of the board of trustees, the sum of twenty-five cents for each meeting.

Sec. 2. The officers of said village (except as provided for in section one of this article) shall receive such compensation as the board of trustees shall by resolution direct.

ARTICLE XIII.

OF THE LIMIT OF TAXATION.

Sec. 1. The board of trustees shall have power to raise by ^{Taxes; power of trustees to levy.} general tax, (but not including poll tax, otherwise provided for in section two,) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one per ^{Amount of, limited.} cent. upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act, and for making, grading, paving, opening and repairing highways, streets, lanes, alleys, and sidewalks and bridges, subject to such restrictions and conditions and provisions as are herein contained in relation to the same.

Sec. 2. The board of trustees shall have power to levy, and ^{Poll tax; from whom collected.} cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of sixty years, except paupers, idiots, lunatics, and others exempted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Sec. 3. No other highway tax shall be levied and collected in ^{Highway tax.} said village, excepting those mentioned in foregoing sections of this article. The tax specified in section two of this article shall be included in and subjected to the same proceedings as by this act are required to be had upon the general tax.

Sec. 4. The board of trustees may cause to be raised such ^{Special tax.} further sum as they may deem necessary, not exceeding one per cent. of the assessed valuation of said village, by special tax: *Provided*, That the consent of a majority of the property ^{Proviso.} tax-paying inhabitants of said village, authorized to vote, who are present and voting at an annual, or special meeting called for that purpose, first be obtained.

ARTICLE X.

OF THE ASSESSOR OF SAID VILLAGE.

Assessor to
make assess-
ment roll.

Sec. 1. It shall be the duty of the assessor once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and shall set down in such roll, the valuation of such property at its fair cash value, as provided for in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said article.

ARTICLE XI.

OF VACANCIES IN OFFICE.

Vacancies;
how filled.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, or as soon thereafter as they may determine, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all of the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

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OF THE COMPENSATION OF OFFICERS.

Compensat'n
of officers.

Sec. 1. The president and trustees shall each receive as compensation for attendance at the regular meetings of the board of trustees, the sum of twenty-five cents for each meeting.

Sec. 2. The officers of said village (except as provided for in section one of this article) shall receive such compensation as the board of trustees shall by resolution direct.

ARTICLE XIII.

OF THE LIMIT OF TAXATION.

Sec. 1. The board of trustees shall have power to raise by ^{Taxes; power of trustees to levy.} general tax, (but not including poll tax, otherwise provided for in section two,) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one per ^{Amount of, limited.} cent. upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act, and for making, grading, paving, opening and repairing highways, streets, lanes, alleys, and sidewalks and bridges, subject to such restrictions and conditions and provisions as are herein contained in relation to the same.

Sec. 2. The board of trustees shall have power to levy, and ^{Poll tax; from whom collected.} cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of sixty years, except paupers, idiots, lunatics, and others exempted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Sec. 3. No other highway tax shall be levied and collected in ^{Highway tax.} said village, excepting those mentioned in foregoing sections of this article. The tax specified in section two of this article shall be included in and subjected to the same proceedings as by this act are required to be had upon the general tax.

Sec. 4. The board of trustees may cause to be raised such ^{Special tax.} further sum as they may deem necessary, not exceeding one per cent. of the assessed valuation of said village, by special tax: *Provided*, That the consent of a majority of the property ^{Proviso.} tax-paying inhabitants of said village, authorized to vote, who are present and voting at an annual, or special meeting called for that purpose, first be obtained.

Notice of
meeting for
voting any
tax.

Sec. 5. Before any tax for such further sum can be voted for at any meeting, a notice must be published, by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in the village newspapers, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Contents of
ballots.

Sec. 6. The vote on any special tax shall be by ballot, which shall have written or printed, or partly written and partly printed on the inside, the words "For the Tax," or "Against the Tax," and be deposited in a separate box, to be labeled "Village Tax;" and all other proceedings had thereon shall be the same as provided for in this act for holding elections.

Manner of
assessing,
etc.

Sec. 7. The proceedings for the assessing, apportioning, reviewing, and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of a general tax.

ARTICLE XIV.

OF THE ASSESSMENT OF TAXES.

Assessment
roll; con-
tents of.

Sec. 1. The assessor of said village shall, once in each year, and on or before the second Monday in May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village; and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns.

Notice of
time for re-
viewing.

Sec. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least six public places in said village, that on a certain day, and at a certain

place in said village therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Sec. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll as shall appear to him to be just and proper.

Corrections;
when may
be made.

Sec. 4. Immediately after the expiration of the ten days, and review of the assessment roll, as aforesaid, the assessor shall certify the said roll, under his hand, to the board of trustees of said village.

When shall
be certified
to board of
trustees.

Sec. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four, of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

Trustees to
certify back
to assessor.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Sec. 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down, in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general and special tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums sev-

Taxes; ap-
portionment
of.

erally assessed on said lots, as an assessment for special work done under or for the other purpose specified in sections four and five, of article six of this act, to be paid by the owner or owners, or parties interested in such real and personal estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Marshal to collect.

Sec. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, opposite their respective names, as a tax or assessment, and authorizing him in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than forty days from the date of said warrant.

May sell property for.

When assessor may renew warrant.
Basis of special tax.

Sec. 3. The assessor may renew said warrant from time to time by direction of the board of trustees.

Sec. 4. Whenever any special tax shall be voted to be raised as provided for in article thirteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate, as set down in the annual assessment roll.

ARTICLE XVI.

OF THE COLLECTION OF TAXES.

Duty of marshal on receiving roll.

Sec. 1. The marshal of said village shall, immediately after receiving the assessment roll, with the warrant of the assessor thereunto annexed, as provided for in section three of the pre-

ceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

Sec. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the marshal shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels.

Distress and sale, when authorized.

Sec. 3. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of the taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Return of unpaid taxes.

Sec. 4. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to the marshal, as aforesaid, for the term of one year from such date, he shall cause so much of the land charged with such tax, and assessment and interest, to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

When treasurer shall sell property for taxes.

Sec. 5. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice, for at least six weeks, by publication in a newspaper

Notice of sale.

published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Proceedings
on day of
sale.

Sec. 6. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day, until all is sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands, he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale, as aforesaid.

Portion of
description
to be taken

Sec. 7. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Certificate of
purchase.

Sec. 8. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate, in writing, describing the land purchased, and the sum paid therefor, and the time when the purchaser or purchasers will be

Conveyance.

entitled to a deed of the said lands; and unless, within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such sale, the treasurer shall at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns a conveyance of the lands sold, which said conveyance shall vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor, to the date of the deed, inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and

When may
be used as
evidence.

recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

ARTICLE XVII.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

Sec. 1. The president, clerk, and one of the three trustees Board of registration. having the shortest term to serve, shall constitute the village board of registration.

Sec. 2. The clerk shall provide a suitable bound book or Clerk to provide registration book. register, at the expense of said village, so made and arranged as to conform with the laws of this State, relating to the registration in the several townships thereof, to be kept by the said village clerk.

Sec. 3. The clerk of said village shall at any time, (except as To register electors. provided for in this act,) on demand, enter in its alphabetical order, the name of any person entitled to vote in said village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Sec. 4. On the last secular day next preceding the day for Board of registration to revise and complete list of electors. holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session at the office of the clerk in said village, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person, then actually residing in said village, and who at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village, and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing.

published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Proceedings
on day of
sale.

Sec. 6. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day, until all is sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands, he shall sell so much of each description as will pay the taxes, assessments, interest, and costs of sale, as aforesaid.

Portion of
description
to be taken

Sec. 7. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Certificate of
purchase.

Sec. 8. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate, in writing, describing the land purchased, and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless, within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such sale, the treasurer shall at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns a conveyance of the lands sold, which said conveyance shall vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor, to the date of the deed, inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and

Conveyance.

When may
be used as
evidence.

recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

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Sec. 2. The clerk shall provide a suitable bound book or Clerk to provide registration book. register, at the expense of said village, so made and arranged as to conform with the laws of this State, relating to the registration in the several townships thereof, to be kept by the said village clerk.

Sec. 3. The clerk of said village shall at any time, (except as To register electors. provided for in this act,) on demand, enter in its alphabetical order, the name of any person entitled to vote in said village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Sec. 4. On the last secular day next preceding the day for Board of registration to revise and complete list of electors. holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session at the office of the clerk in said village, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person, then actually residing in said village, and who at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village, and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE XVIII.

OF ELECTIONS.

Election
board.

Sec. 1. The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board.

To receive
register of
electors from
clerk.

Sec. 2. At any election held under and [by] virtue of the provisions of this act, (except at the first election otherwise provided for,) and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Fenton to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

Book to be
used at first
election.

Sec. 3. At the first election held in said village, under the provisions of this act, the registration book of the township of Fenton, of the qualified electors of said village, shall be used with the like force and effect as "the register of the electors of the village of Fenton," provided for in this act.

Where vil-
lage register
shall be used

Sec. 4. The registration of electors provided for in this act shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of Fenton.

Powers of
village
boards of
registration
and election.

Sec. 5. The boards of registration and election in said village shall exercise the same powers to preserve the purity of elections as are now or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

ARTICLE XIX.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Proceedings
when private
lands are
taken for
public use

Sec. 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by per-

sonal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her or their legal representatives, at least three weeks next preceding the meeting of the said board of trustees, of the intention of the said board of trustees to take such lands for the purposes aforesaid; and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her or their legal representatives; and if at the expiration of the time limited as aforesaid for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Fenton to issue a *venire facias*, to command the marshal of said village, or any constable of the county of Genesee, to summon and return a jury of twelve disinterested freeholders of said township of Fenton, to appear before said justice at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representatives, which jury, being first duly sworn by the said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives therefor, for their respective damage, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered, before such land, ground, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives, in whose favor the said judgment shall be rendered; it shall thereupon be lawful for the board of trustees to

Notice to
owners.

Trustees to
treat with.

Summoning
of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

cause the said land, ground, or premises to be occupied and used for the purposes as aforesaid: *Provided*, That the board of trustees, or any party or parties claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Genesee, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days; or, in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice, as aforesaid; and upon filing a transcript of the proceedings, aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court for the county of Genesee, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages in said circuit court shall not be at least ten dollars more favorable to the party appealing than the judgment appealed from, then the party appealing shall pay all costs occasioned by such appeal.

And.

ARTICLE XX.

OF PUBLICATION.

Publication;
how to be
construed.

Sec. 1. Whenever publication shall be required, by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in one or more of the newspapers of said village, if any such shall be published therein, and if not, then by posting up in at least three of the most public places in said village.

Affidavit of
publisher to
be taken as
evidence.

Sec. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village, when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation, or ordinance of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XXI.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Sec. 1. The board of trustees shall, at the expiration of each year, audit and settle the accounts of the treasurer, and the accounts of all the other officers and persons having claims against the village, or accounts with it, and shall make out a statement, in detail, of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the board of trustees, the objects and purposes for which the same were made, and the amount of monney expended under each, the amount raised for the general contingent expenses, the amount of highway taxes, and assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges, the amount borrowed on the credit of the village, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the village, together with the estimated receipts and disbursements for the ensuing year.

Annual
statement;
contents of.

Sec. 2. The said statement shall be signed by the president and clerk of said village, and filed with the papers in the clerk's office; the same shall also be published by the clerk, at the expense of the village, in some newspaper printed in said village, to be designated by the board of trustees.

By whom
signed and
where filed
and pub-
lished.

ARTICLE XXII.

OF DEPUTIES.

Sec. 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal.

Deputies.

ARTICLE XXIII.

OF MONEYS COLLECTED BY THE MARSHAL.

Moneys;
to whom
paid.

Sec. 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided for, within twenty days after receiving the same, to the treasurer of said village.

Treasurer to
give receipt
for.

Sec. 2. The treasurer of said village shall give a receipt, in writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same.

ARTICLE XXIV.

OF HIGHWAYS.

Highways.

Sec. 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of Fenton, except as to the bridges therein.

ARTICLE XXV.

OF PRIVILEGES TO FIREMEN.

Firemen to
be exempt
from poll tax
and jury
service.

Sec. 1. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the board of trustees, shall be exempt from poll tax, and shall also be excused from serving on jury.

ARTICLE XXVI.

OF POWER TO BORROW MONEY.

Money;
trustees au-
thorized to
borrow.

Amount of,
limited.

Sec. 1. The board of trustees may borrow money, at a rate of interest not exceeding ten per cent. per annum, and issue the bonds of the village therefor, signed by the president and clerk, for the purpose of erecting a station house, or engine house, and purchasing a fire engine for said village; but no money shall be borrowed for a longer period than ten years, nor shall the sum of any and all indebtedness for money thus borrowed by the board of trustees ever exceed the sum of five

thousand dollars; nor shall said board of trustees ever borrow money for the purposes hereinbefore specified, unless the question of making such loan shall first be submitted to, and authorized by the qualified electors of said village, at some annual, or special election called for that purpose, in the same manner as other special elections are called under this act; but before any such loan of money shall be authorized by a vote of the electors of said village, written or printed notices shall be posted by the clerk, in at least five of the most public places in said village, for a period of not less than ten days before such election, specifying the object or objects for which money is proposed to be borrowed. The board of trustees may, by ordinance or resolution, provide the manner of voting upon any question of borrowing money: *Provided further*, That not more than one per cent. upon the assessed value of the taxable property of said village shall ever be levied or collected in any one year, as a special tax for the purpose of paying any such bonds, or liquidating any such indebtedness, or for any and all other purposes whatsoever.

Notice of election to provide for borrowing.

Proviso.

Sec. 2. All moneys received from fines or penalties collected for violation of any of the ordinances or by-laws of said village, or for offenses committed in said village, shall be paid over to the treasurer of said village, and be applied to meet the general expenses of said village.

All fines to be paid to village treasurer.

ARTICLE XXVII.

OF THE GENESEE COUNTY JAIL.

Sec. 1. The corporation shall be allowed the use of the common jail of the county of Genesee for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases.

Corporation allowed the use of county jail.

ARTICLE XXVIII.

OF THE COMPETENCY OF CITIZENS.

Citizens to be
competent as
jurors.

Sec. 1. No person shall be an incompetent judge, witness or juror, in any case in which said corporation is interested, by reason of his being an inhabitant of said village.

ARTICLE XXIX.

OF FORMER VILLAGE ACTS.

Former acts
to remain in
force.

Sec. 1. The existing by-laws, rules, regulations, and ordinances of said village, when not inconsistent with the provisions of this act, shall be and continue in force and effect until the same shall be repealed or amended by the board of trustees.

Prior claims,
etc., to re-
main in force

Sec. 2. All former acts relating to the village of Fenton inconsistent herewith, are hereby repealed; but such repeal shall not affect any act, claim or right secured or established, or any suit, proceedings, or prosecution had or commenced prior to the time when such repeal shall take effect, but every such act, claim, right or proceeding shall remain as valid and effectual as if said act had remained in force.

Time present
officers shall
remain in
office.

Sec. 3. The present officers of the village of Fenton shall continue to discharge the several duties of their respective offices, according to the provisions of this act, until an election of officers shall have taken place under this act, and said officers so elected shall have qualified, respectively; and no failure to elect, under this act, shall be deemed to work a forfeiture of the corporation hereby created, and all assessments, fines, and taxes, special and general, legally assessed, that are now in the hands of the marshal for enforcement and collection, may be enforced and collected under and by virtue of the laws, ordinances, and rules of said village, under and by virtue of which the same were imposed, assessed, and levied.

Sec. 4. This act shall take immediate effect.

Approved March 24, 1869.

[No. 349.]

AN ACT to amend an act entitled "An act to incorporate the village of Whitehall," approved March nineteenth, in the year one thousand eight hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended.} sections fourteen, twenty-one, twenty-six, twenty-seven, and twenty-eight of an act entitled "An act to incorporate the village of Whitehall," approved March nineteenth, eighteen hundred and sixty-seven, be and the same are hereby amended so as to read as follows:

Sec. 14. The inhabitants of said village shall be liable to the ^{Inhabitants to be liable to township laws.} operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating, and establishing streets, highways, and bridges, and the labor to be performed thereon within the corporate limits thereof; and the ^{Power of council to levy taxes.} said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village as they may deem necessary to be performed upon the streets, highways, and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax, not exceeding one dollar, ^{Poll tax.} upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed, and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner provided by section twenty-six of this act: *Provided*, Such highway tax shall not exceed one day ^{Proviso.} for every two hundred dollars' valuation, exclusive of poll tax: *And provided further*, That the inhabitants of said village, or ^{Ibid.} the property thereof shall not be taxed for building or repairing any bridges, except those situate within the corporate limits of said village of Whitehall.

Assessment
roll.

Time for cor-
rections in.

Council to
make dupli-
cate of.

To attach
warrant and
command
treasurer to
collect.

Sec. 27. It shall be the duty of the supervisor of said township, who is constituted *ex officio* assessor of said village, to take the assessment of said village at the time he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village, on or before the third Monday of May in each year; whereupon it shall be the duty of said common council to give notice that at a certain time and place, not less than five nor more than ten days, said common council will meet to hear any person considering himself aggrieved by the assessment made by said supervisor, and said common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation; and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by said common council, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village.

Sec. 28. It shall be the duty of the common council to make, or cause to be made a duplicate of the assessment roll of said village, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and annex to such duplicate a warrant, signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council, commanding the treasurer of said village to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant; and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 350.]

AN ACT to amend section seven of act number one hundred and eighty, session laws of eighteen hundred and sixty-five, entitled "An act to incorporate the village of Otsego," approved March fifteenth, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section seven of act number one hundred and eighty, of session laws of eighteen hundred and sixty-five, approved March fifteenth, eighteen hundred and sixty-five, entitled "An act to incorporate the village of Otsego," be amended so as to read as follows:

Sec. 7. The president and trustees shall have power to or- President and trustees may pass by-laws relative to—
dain and establish by-laws, rules and regulations, and to alter Duties of officers.
and repeal the same at pleasure, for the following purposes, Police.
viz: for the appointment of a treasurer, and prescribing his Riots.
duties, one assessor, and such other officers for said village as Watchmen.
they may deem necessary, and also such as they may deem neces- Drunkards.
sary and right for the maintenance and preservation of the Gaming houses.
public places, property and buildings of said village; to regu- Fermented liquors.
late the police thereof; to preserve the public peace; to prevent Nuisances.
riots, disturbances and disorderly assemblages; to appoint Nuisances.
watchmen and policemen, and organize a fire department and
define their duties, and prescribe penalties for their delinquen-
cies; to restrain, apprehend and punish vagrants, mendicants,
drunkards, and all disorderly persons; to punish lewd and las-
civious behavior in the streets or other public places; to sup-
press and restrain disorderly and gaming houses, billiard tables,
and other devices and instruments of gaming; and shall have
the exclusive power and authority to license such persons as
tavern keepers and common victualers, as they shall think best,
but no license shall be in force except during the life of the
board granting it; to prevent the selling or giving away of
spirituous or fermented liquors to drunkards, minors or appren-
tices; to prevent and punish immoderate riding or driving in
the streets; to abate, prevent and remove nuisances; to sup-
press all disorderly houses and houses of ill-fame, and to

Obstructions on walks.	punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to
Powder.	regulate the storage of powder, lumber, or other combustible
Fire-arms.	material; to prevent the use of fire-arms, slung-shots and
Markets.	other weapons, and fireworks; to construct and regulate markets; the vending of poultry, meats, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber and coal; the
Weights and measures.	sealing of weights and measures; to regulate and maintain
Pounds.	pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to
Dogs.	prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large,
Cartmen, etc.	in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct
Hydraulic works.	hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding
Wells and cisterns.	one thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to prevent
Cemeteries.	bathing in public streams; to purchase ground for, and to regulate cemeteries, and the burial of the dead, and to provide
Boundaries of streets.	for the return of bills of mortality, and to order the use for burial purposes, of any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best
Building lines.	interests or health of the citizens; to ascertain, establish and settle the boundaries of all streets and alleys, and to establish grades therefor; also, to order and cause to be drained or filled up, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in any unsafe manner, and to pass all necessary reg-

ulations relative to buildings deemed unsafe; to purchase and Fire engine. keep in order fire engines, and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire buckets and ladders; to establish fire limits within which no wooden building shall be built, enlarged or placed; to regulate Party walls. party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, Fire. powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks, and repairing the same; to grade the walks, streets Grading walks. and alleys, and to prescribe the manner of planking and repairing them; the cost and expense of repairing sidewalks, grading the walks, streets and alleys, the paving or planking, to be paid by assessments on the lot in front of or adjoining to either or all of such improvements which shall be made: *Pro-* Proviso. *vided*, That so much money belonging to the highway fund of said village, as the president and trustees may direct, may be expended for grading; to construct and keep in repair the pub- Highways. lic highways, bridges, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of highway and other Taxes. taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and Auctions tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawnbrokers; to regulate the covering of mill races, at the expense of the owners thereof; to rail and curb, when necessary, all walks at the Railing walks. expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting also places of public worship belonging to any church or congregation, and all grounds and buildings used

To take
private
property.

Fines and
penalties.

exclusively for educational purposes; to take the land of any individual for the purpose of construction, widening or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Otsego; and any interest the inhabitants of the village of Otsego may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein; and the circuit court for the county of Allegan shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 351.]

AN ACT to repeal act number three hundred and thirty-four, of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the drainage and reclamation of swamp lands, by means of a State road, to be known as the Courtland and Muskegon River State road;" also, act number three hundred and thirty-five, of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the drainage and reclamation of swamp lands, by means of the improvement of the Lamont and Zeeland State Road, in Ottawa county;" also, act number eighty, of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the laying out, opening, and establishing of a certain State road in the township of Shiawassee, in the county of Shiawassee."

Acts
repealed.

SECTION 1. *The People of the State of Michigan enact, That* act number three hundred and thirty-four, of the session laws

of eighteen hundred and sixty five, entitled "An act to provide ^{ibid.} for the drainage and reclamation of swamp lands, by means of a State road, to be known as the Courtland and Muskegon River State road;" also, act number three hundred and thirty-five, of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the drainage and reclamation of swamp lands, by means of the improvement of the Lamont and Zeeland State road, in Ottawa county;" also, act number eighty, of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the laying out, opening, and establishing a certain State road in the township of Shiawassee, in the county of Shiawassee," be and the same are hereby repealed.

Approved March 26, 1869.

[No. 352.]

AN ACT to amend sections two and seven of an act entitled "An act to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts or parts of acts, approved March 15, 1861, as amended by act number four hundred and fifteen, of the session laws of 1867, approved March 22, 1867;" also, to add a new section, to stand as section thirty-five.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended} sections two and seven of an act entitled "An act to incorporate the village of Kalamazoo," approved March fifteenth, eighteen hundred and sixty-one, and an amendment thereto, approved March twenty-second, eighteen hundred and sixty-seven, be and the same are hereby amended so as to read as follows:

Sec. 2. The electors of said village shall meet on the second ^{Election.} Monday in April, one thousand eight hundred and sixty-nine, at such place as shall be designated by the president and trustees, and there, by ballot, shall elect, by a plurality of votes, one person to be president of said village, and four persons shall in

Proceedings when elect'n is not held at appointed time.

Village board; who to constitute

Duty of president.

President and trustees may pass laws relative to—

Appointm't of officers.

Police.

Fire department.

Vagrants.

like manner be elected trustees; and annually thereafter a president shall be elected as aforesaid, who shall hold his office for one year, and four trustees shall so be elected, who shall hold their offices two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and four trustees thus elected, together with four trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter and repeal at pleasure, for the following purposes, viz:
For the appointment of a treasurer, and prescribing his duties; a marshal, three assessors, and such other officers for said village as they may deem necessary; concerning the corporate property and public places and buildings of said village, as they shall deem necessary and right for the preservation and maintenance thereof; to regulate the police thereof, to preserve the public peace, to prevent riots, disturbance and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and

gaming houses, billiard tables, and other devices and instru-^{Gaming houses.}
ments of gaming, and shall have the exclusive power and
authority to license such persons as tavern-keepers and common^{Tavern}
victualers, as they shall think best, (but no license shall be in^{keepers.}
force except during the life of the board granting it;) to pre-^{Liquors.}
vent the selling or giving away of spirituous or fermented
liquors to drunkards, minors or apprentices; to prevent or
punish immoderate riding or driving in the streets; to abate,^{Nuisances.}
prevent, and remove nuisances; to suppress all disorderly^{Disorderly}
houses and houses of ill-fame, and to punish the keepers and^{houses.}
inmates thereof; to prevent and compel the removal of all in-^{Obstructions}
cumbrances, encroachments, and obstructions upon the streets,^{on streets.}
walks, lanes, alleys, parks, and public grounds; to compel the
owners or occupants of lots to clear sidewalks in front of and
adjacent thereto of snow, ice, dirt, mud, boxes, and every
incumbrance or obstruction thereto; to regulate the storage^{Powder.}
of powder, lumber, or other combustible material; to prevent
the use of fire-arms, slung-shots, and other weapons, and fire-
works; to construct and regulate markets, the vending of poul-^{Markets.}
try, meats, vegetables, fruits, and fish; to regulate the sale of
hay, wood, lime, lumber, coal; to regulate the gauging of
vessels containing liquors, the sealing of weights and measures;^{Weights and}
to maintain and regulate pounds, and to provide for the^{measures.}
restraint of horses, cattle, sheep, swine, mules, and other ani-
mals, geese or other poultry; to prevent the running at large of^{Dogs.}
dogs, to require them to be muzzled, and to authorize their
destruction if found at large in violation of any ordinance; to^{Cartmen}
regulate and license cartmen, porters, hacks, cabs, and to regu-
late their rates of compensation; to prevent runners from so-
liciting travelers; to construct hydraulic works to supply the
village with water; to light the streets; to borrow money for
public improvements, not exceeding three thousand dollars in
any one year; to establish wells and cisterns, and prevent the^{Wells and}
waste of water; to prevent bathing in public streams; to pur-^{cisterns.}
chase grounds for and regulate cemeteries, and the burial of^{Cemeteries.}

Boundaries
of streets.

Building
lines.

Fire engines.

Fire limits.

Hazardous
buildings.

Fees of
officers.

Grades.

Assessments
on property.

the dead, and to provide for the return of the bills of mortality, and to order the use for burial purposes of any burying ground or cemetery to be discontinued whenever they may deem the same necessary for the best interests or health of citizens; to ascertain, establish, and settle the boundaries of all the streets and alleys, and to establish grades therefor; also, to order and cause lots to be drained or filled up, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith-shops, planing establishments, bakeries, and all other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of the village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets, alleys, and to prescribe the manner of planking or paving them, the cost and expense of planking or paving of which to be paid by assessment on the lots in front of which said improvements shall be made; the grading for paving purposes to be provided for by assessment on the taxable property of the village, and the expenses of grading and paving at the intersections of streets and alleys, also to be provided for by assessment on the taxable property of the village; but no one of said improvements, except paving, shall be made unless the individuals owning one-half of the property to be assessed for the same improvements shall petition the president and trustees for that purpose; to construct and keep

in repair the public highways, bridges, culverts, and sewers; ^{Repairing highways.}
to lay out new streets and alleys, and extend those already laid
out, under the restriction provided in this act; to vacate streets
and alleys; to prescribe the levying and collection of the high-
way and other taxes; to provide for taking a census whenever ^{Census.}
they shall see fit; to regulate the running of locomotives and ^{Locomotives}
cars in the limits of the village; to regulate grades of rail or
plank roads; to regulate theatres, shows, and concerts; to reg- ^{Theatres.}
ulate and tax at their discretion, auctioneers or auction sales,
gift enterprises, hawkers, hucksters, peddlers and pawn-brokers;
to regulate the covering of mill-races, at the expense of the own- ^{Covering of mill races.}
ers thereof; to provide for removing drift-wood, and clearing the
Kalamazoo river, Portage creek, and the Acadia brook, and all
mill-races and ponds within the limits of the corporation, and
to prevent the placing therein of any obstructions, and the de-
positing of all filth and impure matter tending to render the
water thereof unwholesome, and so to regulate and improve the
channel of the Acadia brook, as to secure the free and uninterr-
rupted passage and discharge of water thereof; to rail and curb, ^{Railing walks.}
where necessary, all walks, at the expense of the owners of the
adjoining lots; to levy taxes on all personal and real estate ^{Levying taxes.}
within the limits of the village, except property belonging to
the village, town, county or State, excepting also, places of
public worship belonging to any church or congregation, and
all grounds and buildings used exclusively for educational pur-
poses; to take the land of any individual for the purpose of ^{Taking private property.}
constructing, widening or extending streets, but not until said
individual shall be paid the value thereof, and of all buildings
upon said land, and all damages he will sustain, as provided for
in this act; for the violation of any by-laws, rules, and regula- ^{Fines and penalties.}
tions, such reasonable penalties and fines may be imposed by
the law itself as the president and trustees may deem proper,
and when any fine or penalty shall not exceed one hundred
dollars, the same may be recovered before any justice of the
peace in the township of Kalamazoo, and any interest the in-
habitants of the village of Kalamazoo, as a corporate body, may

the dead, and to provide for the return
and to order the use for burial purposes
or cemetery to be discontinued when
same necessary for the best interest.

**Boundary
of street.**

ascertain, establish, and settle the boundaries of the streets and alleys, and to establish grades to cause lots to be drained or filled, and to pay the cost and expense on the premises benefited.

Building lines.

ing of partition and other fences; to buildings may be erected, and be shall not extend; to prevent the er safe manner, and to pass all neces-

Fire engines

buildings deemed unsafe; to purchase engines and other fire apparatus, store them, and to cause each bar store or shop, to be provided with

Fire Hook

establish fire limits, within which
built, enlarged or placed; to re-
flues, and putting up stoves and

Hazardous buildings

construction of smith-shops, pla
and all other buildings consid:

Fees of officers.

against fires; to regulate the d
village officers; to prescribe t
trees; to provide for the const

Grades

ing the same; to grade the w
scribe the manner of planking
pense of planking or paving of
on the lots in front of which s

Assessments on Property.

the grading for paving purposes on the taxable property of grading and paving at the same time, shall also to be provided for by assessment of the village; but no one of said property shall be made unless the individual owner thereof shall be assessed for the same in the same manner as the president and trustees for that

I have read the above and all other documents and information
 furnished to me and I hereby certify that the same are true and
 correct to the best of my knowledge and belief.
 Signed and sworn to before me this 1st day of May, 1961.
 Notary Public for the State of Texas

have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or be a witness therein, and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said laws.

Section
added.

Sec. 2. That a new section shall be and is hereby added to said act numbered one hundred and ninety-three, of the session laws of A. D. 1861, to stand as section thirty-five, the same to read as follows:

Power of
council to
borrow
money.

Sec. 35. The president and trustees shall have further power to borrow any sum of money, to be used exclusively for the purpose of purchasing grounds, rights, privileges, materials, and in making improvements connected with a water supply in said village, not exceeding the sum of seventy-five thousand dollars, and at a rate of interest not greater than ten per cent. per annum, and to fix the time and places of payment of principal and interest, and to issue the bonds or other evidence of indebtedness of said village for the payment of the same: *Provided*, That it shall not be lawful for said president and trustees to borrow any portion of said sum of money, unless said question of borrowing the same shall have been first submitted to the electors of said village at its annual election, or at a special election called for that purpose by the president and trustees, two-thirds of the electors voting at said election voting therefor by ballot.

Proviso.

Sec. 3. So much of any and all acts as are inconsistent with this act are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved March 26, 1869.

[No. 358.]

AN ACT to amend sections ten and twenty, and to add section twenty-one to an act entitled "An act to organize union school district of the city of Saginaw," approved March 18, 1865.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections ten and twenty of an act entitled "An act to organize union school district of the city of Saginaw," being act number two hundred and sixty, of the session laws of eighteen hundred and sixty-five, approved March 18, 1865, be and the same are [hereby] amended so as to read as follows:

Sec. 10. The said board shall also have power, and it shall be its duty, annually, to determine by vote, which shall be entered in the records of its proceedings, the amount of money necessary to be raised by tax on the property of said district, to defray the expenses of the schools of said district for the current year, and the amount necessary to pay the interest and principal of any liquidated debt due within such year, from such district, and to file with the recorder of said city on or before the first day of October, in each year, a statement in writing, of the sum so voted; and it shall be the duty of the common council to apportion said sums to be raised among the wards of said city, according to the valuation of the taxable property in the same, and to cause the same to be assessed on such property in the first general tax thereafter made; and the assessment of such tax, for said district, shall be in a separate column in said roll; and the same shall be collected at the same time, and shall be and remain a lien on the property on which the same is levied; and the treasurer of said city shall have the same authority, and may resort to the same modes and proceedings, by virtue of the said roll and the warrant annexed thereto, to collect the same, as the other taxes therein contained; and it shall be the duty of the city treasurer to pay over to the treasurer of said district all such moneys as may be collected belonging to said district, as indicated by said column, as follows, to

Board to determine am't of money necessary to be raised.

Council to apportion sums among wards.

Taxes to be a lien on property.

wit: All such moneys as shall have been collected on the first Monday of January next succeeding the date of issuing such tax roll, and on the first day of February such sum as shall equal one-half the amount of the total school tax, the same to be paid out of any moneys collected by him on said roll, and the balance of the school moneys on the return of the roll:

Proviso.

Provided, That in case the time for the collection of the roll shall be extended, then on or before the twentieth day of February he shall pay over one-half of the balance remaining unpaid after the payment of the first of February, and the remainder on the return of the roll.

Secretary of
board to
make state-
ment.

Sec. 20. The secretary of the board of education of the city of Saginaw is directed and hereby required, at least ten and not more than fifteen days before the annual school meeting of said school district, to be held in the year eighteen hundred and sixty-nine, make out and publish in some newspaper published in the county of Saginaw, a detailed statement of all moneys received and from what sources, and all moneys expended and for what purpose, from the organization of said district, and also submit such statement to the electors of said district at the said school meeting; and in each and every year thereafter, the said secretary shall, at least ten and not more than fifteen days before the annual school meeting of said district, make out and publish in some newspaper published in the county of Saginaw, a detailed statement of all moneys received, and from what sources, and all moneys expended, and for what purpose, for the expiring year.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 354.]

AN ACT to amend an act entitled "An act to organize union school district of Bay City."

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections two, three, four, five, six, seven, ten, eleven, seventeen, and nineteen of an act entitled "An act to organize union school district of Bay City," approved March 20th, 1867, be and the same are hereby amended so that said sections shall be and read respectively, as follows:

Sec. 2. *First.* The board of education of said district shall Board of education; who to constitute.
consist of one member from each ward in said city, to be chosen at a ward district school meeting, to be held at the central ward school-house in each ward, (or in case of wards which may be destitute of a school-house, said meeting shall be held in such place as may be designated by the board of education,) on the first Monday of September in each year in which such member may be required to be chosen; and every elector who has been Place of meeting.
a resident in said district three months, and in the said ward ten days preceding any district or ward district meeting, shall be entitled to vote in said meeting, and eligible to election as a member of said board: *Provided,* That in any vote for the Proviso.
purpose of raising money, by tax or loan, those only shall be entitled to a vote who are qualified voters under the laws pertaining to the primary schools of this State.

Second. Notice shall be given of all district or ward district Notice of meetings.
school meetings, by the secretary of said board, at least ten days previous to such meeting, by posting printed notices in at least ten of the most public places in each ward, and by publication in one or more newspapers in said city, which shall specify the day, hour, and place of such meeting: *Provided,* Proviso.
That no such district or ward district school meeting shall be deemed illegal for want of such notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

Third. Each ward district school meeting, when assembled, Chairman and clerk of meeting.
pursuant to previous notice, shall appoint a chairman and clerk

of such meeting, and the meeting so organized shall proceed to elect, by ballot, a member of the board of education of said union school district of Bay City, who shall serve until his successor is elected and qualified.

Terms of
office.

Fourth. The term of office for which said members shall be elected shall be as follows, viz: At the first election to be held under this act, on the first Monday in September, eighteen hundred and sixty-nine, the members from the first and second wards shall be elected to serve for one year; the members from the third and fourth wards shall be elected to serve for two years; and the member from the fifth ward shall be elected to serve for three years. In case of the addition of a sixth ward, the term of office of the member to be elected therefrom shall be the same and expire with the term of the member from the fifth ward; and at the expiration of their several terms of office, their successors shall be elected in their several wards for the full term of three years, or until their successors are elected and qualified; and it shall not be necessary for said wards to hold a ward district meeting, except on the expiration of the term of office of said member, for the purpose of electing his successor.

When mem-
bers elect
shall file ac-
ceptance of
office.

Sec. 3. *First.* Within ten days after the annual election in eighteen hundred and sixty-nine, as above specified, the members so elected from the several wards shall assemble at the office of the secretary of the board, and file with him the certificate of their election, signed by the chairman and clerk of said ward district school meeting, with their acceptance of the office indorsed thereon, a record of which shall be made by said secretary.

Quorum.

President.

Second. The said board of education, three members of whom shall constitute a quorum, shall then proceed to elect one of their own number president for the term of one year, and in case of the absence of said president at any meeting, they may choose one of their own number president *pro tem*.

Sec. 4. The superintendent of the public schools of said city shall be the secretary of the board, and in case of his absence, said board may appoint a secretary *pro tem*. Secretary of the board.

Sec. 5. *First.* The said board shall have power to fill, by appointment, any vacancy that shall occur (by resignation or otherwise) in their own number, from the ward in which the vacancy shall occur, and it shall be their duty to fill such vacancy within ten days after its occurrence: *Provided*, That in case said board shall from any cause fail to fill such vacancy within the time specified, the same may be filled by an election at a special ward district school meeting called for that purpose, as provided in section two of this act, and such appointment or election shall be for the unexpired term of the late incumbent. Vacancy. Proviso.

Second. The members of the present board of education shall hold their office until their successors are elected and qualified as prescribed in sections two and three of this act; and within ten days after the day on which this act shall take effect, said board shall meet, and proceed to elect one of their own number president, and said board shall be, in all things, governed by the provisions of this act. Term that present board shall hold office.

Sec. 6. The treasurer of said city shall be the treasurer of said board, and shall keep all moneys belonging to said district separate from the moneys belonging to the corporation of said city, and he shall not pay out nor expend the school money without the authority of said board: *Provided, however*, That said board may appoint some other person as treasurer, and in such case, the treasurer so appointed shall perform the duties of his office in accordance with this section so far as the same shall be applicable, and the treasurer of said city shall pay over on demand to the person so appointed, all moneys, or other property in his hands belonging to said union school district. Treasurer; duty of Proviso.

Sec. 7. The board of education shall succeed to and exercise all the powers and perform all the duties of school inspectors for said city, and the office of school inspector is hereby abolished except as vested in and executed by said board. The Board of education to perform duties of school inspectors.

Proceedings
of meeting
to be pub-
lished.

proceedings of each meeting of said board, and of the ward district, or general district school meetings, shall be published in one or more newspapers of said city, as soon thereafter as possible.

Bond of
treasurer.

Sec. 10. The treasurer shall, before entering upon the duties of his office under this act, execute to the district a bond in double the amount of moneys to come into his hands as such treasurer during the year, as near as can be ascertained, with two or more good and sufficient sureties, to be approved by said board, conditioned for the faithful performance of the duties of his office, and the proper application of the funds that shall come into his hands by virtue thereof. Such bonds shall be lodged with the secretary of said board, and in case of any breach of the condition thereof, the board shall cause a suit to be commenced thereon in the name of "union school district of Bay City," and the money, when collected, shall be paid into the treasury of said district, subject to the order of the proper officers of said district.

How suit
shall be
brought.

Board to
make an-
nual state
ment.

Sec. 11. The said board shall, annually, at the close of each school year, or as soon thereafter as may be, publish, or cause to be published, a statement of the number of schools of the various grades in said city, the number of pupils instructed therein, and a full and complete statement of all receipts and expenditures made during the year preceding, the amount of indebtedness, if any, together with such other facts and statements as may enable the public to judge of the success and prosperity of the public schools of said city.

When offices
to be deemed
vacated.

Sec. 17. *First.* Any member of said board of education who shall, during his term of office, remove from the said city shall, by such removal, vacate his office; and any member may be removed for cause, by a vote of a majority of said board. Any member absenting himself from the regular meeting of said board for three meetings in succession, unless good cause is shown therefor, shall be deemed to have vacated his office, and the said board may in such case appoint some suitable person

from the ward to which said member belonged to fill such vacancy, in accordance with section five of this act.

Second. The recorder's court of said city shall have jurisdiction of all suits wherein the said board may be a party, and of all prosecutions for violations of the by-laws or rules and regulations of said board of education. Jurisdiction of recorder's court.

Sec. 19. All acts or parts of acts, so far as they relate to Bay City, which are inconsistent with the provisions of this act, are hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 355.]

AN ACT to incorporate the village of Plainwell, in the county of Allegan.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. so much of the township of Gun Plain, in the county of Allegan, as is included in the following territory, to wit: The south-west quarter of the north-east quarter of section twenty-nine, the north-west quarter of section twenty-nine, the south-west quarter excepting the south-east fractional quarter thereof, of section twenty-nine, the east half of the south-east quarter, the north-west quarter of the south-east quarter, the north-east quarter of the south-west quarter, the east half of the north-west quarter, and the north-east quarter of section thirty, the south-east quarter of the south-east quarter of section nineteen, and the south-west quarter of the south-west quarter of section twenty, in town one north, of range eleven west, be and the same is hereby constituted a village corporate, by the name of the village of Plainwell.

Sec. 2. The inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at Plainwell House, on the second Monday of March next, and on the first Monday of March annually thereafter, at such Elections.

Officers and
terms of
office.

Failure to
hold election
not to dis-
solve corpo-
ration.

Village
board.

Duty of
president.

Judges and
clerk of
election.

Oaths of.

place as shall be provided in the by-laws of said village, and there, by ballot, shall elect, by plurality of votes, one person to be president of said village; and three persons shall in like manner be elected trustees for one year, and three for two years, and one person shall be elected clerk, and one person shall be elected treasurer; and annually thereafter a president, clerk, and treasurer as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election; the president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

Sec. 3. At the first election to be holden under this act in said village, there shall be chosen by the qualified electors then present, and from among their number, two judges and one clerk of said election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath, before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof; the said board shall conduct the said election and certify the result thereof; and the said

board shall be clothed with the same power and authority as provided for in section four of this act.

Sec. 4. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some printed paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon, and at the close of the polls, the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Notice of time and place of holding election.

Polls; when to be open'd and closed.

Sec. 5. Any two of the trustees may be inspectors of the election, and the clerk of the village or his substitute shall be the clerk of the election, and the inspectors and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as inspectors or clerk of the election, and such board shall have such power to preserve the purity of the election as is now or may be hereafter given to township boards of election.

Trustees may be inspectors of election.

Sec. 6. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States, and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk, who shall attend all meetings of the board of trustees, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Officers to take oath.

Duty of clerk.

Sec. 7. The president and trustees of said village shall be a body corporate and politic, with perpetual succession, under

Body corporate and politic.

the name of the president and trustees of ~~the~~ village of Plainwell; and may have a common seal, which they may ~~alter~~ at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least six days before the return thereof: *Provided*, That in case such summons cannot for any reason be served on the president, it may be served on any one of the trustees.

Proviso.

Inhabitants
to be liable
to operation
of township
laws.

Sec. 8. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets and highways, and the labor to be performed thereon, within the limits thereof: *Provided*, That nothing therein contained shall make it incumbent on the said corporation to build or keep in repair any of the bridges crossing the Kalamazoo river.

Proviso.

Village to be
deemed a
township,
for bridge
purposes.

Sec. 9. For the purpose of building, maintaining, and repairing the bridges over the Kalamazoo river, and the mill-race within the limits of said village, the township of Gun Plain and the said village, shall be deemed the township of Gun Plain, as the said township existed before the incorporation of the village of Plainwell, and shall be subject to all the provisions of the general laws of this State, relative to the building, maintaining, and keeping in repair such bridges.

President
and trustees
may pass
laws relative
to—

Sec. 10. The president and trustees shall have power to ordain and establish by-laws, rules, and regulations, and to alter and repeal the same at pleasure for the following purposes, viz:

Village
officers.

For the appointment of a marshal, and prescribing his duties; one assessor, and such other officers for said village as they may deem necessary and right for the maintenance and preservation of the public places, property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to

Police.

prevent riots, disturbances, and disorderly assemblages; to ap- Riots.
point watchmen and policemen, and organize a fire department, Fire
and define their duties and prescribe penalties for their delin- department.
quencies; to restrain, apprehend and punish vagrants, mendi- Vagrants.
cants, drunkards, and disorderly persons; to punish lewd and
lascivious behavior in the streets or other public places; to Gaming
suppress and restrain disorderly and gaming houses, billiard houses.
tables, and other devices and instruments of gaming; and shall Tavern
have the exclusive power and authority to license such persons keepers.
as tavern keepers and common victualers as they shall think
best, but no license shall be in force except during the life of
the board granting it; to prevent the selling or giving away of Liquors.
spirituous or fermented liquors to drunkards, minors or appren-
tices; to prevent and punish inordinate riding or driving in the Fast driving.
streets; to abate, prevent, and remove nuisances; to suppress Houses of
all disorderly houses and houses of ill-fame, and to punish the ill-fame.
keepers and inmates thereof; to prevent and compel the re- Obstructions
moval of all incumbrances, encroachments, and obstructions on streets.
upon the streets, walks, lanes, alleys, parks, and public grounds;
to compel the owners or occupants of lots to clear sidewalks in
front and adjacent thereto, of snow, ice, dirt, mud, boxes, and
every incumbrance or obstruction thereto; to compel the own-
ers of mill-races in said village to construct and maintain
suitable embankments to prevent its overflowing, and also to
prevent the citizens from encroaching on and injuring the same;
to regulate the storage of powder, lumber, and other combus- Gunpowder.
tible materials; to prevent the use of fire-arms, slung-shots, and
other weapons and fire-works; to construct and regulate mar- Markets.
kets, the vending of poultry, meat, vegetables, fruits, and fish;
to regulate the sale of hay, wood, lime, lumber, and coal, the Weights and
sealing of weights and measures; to regulate and maintain measures.
pounds, and to provide for the restraint of horses, cattle, sheep, Pounds.
swine, mules, and other animals, geese and other poultry; to Dogs.
prevent the running at large of dogs, to require them to be
muzzled, and to authorize their destruction if found at large in
violation of any ordinance; to regulate and license cartmen,

Cartmen.	porters, hacks, cabs, and to regulate their rates of compensation;
Hydraulic works.	to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and
Bathing.	cisterns, and prevent the waste of water; to prevent bathing in the public streams; to purchase grounds for, and regulate
Burial of the dead.	cemeteries and the burial of the dead, and to provide for the return of bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued, whenever they may deem the same necessary for the best in-
Boundaries of streets.	terests or health of the citizens; to ascertain, establish, and settle the boundaries of all streets and alleys, and to establish grades therefor; also, to order and cause the same to be drained or filled up, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences;
Building lines.	to establish lines on which buildings may be erected, and beyond which such buildings shall not extend; to prevent the
Unsafe buildings.	erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to pur-
Fire engines.	chase and keep in order fire engines and other fire apparatus, and to construct buildings to store them; and to cause
Fire limits	each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to establish fire limits
Hazardous buildings.	within which no wooden buildings shall be built, enlarged or placed; to regulate party-walls, chimney-flues, and putting up
Setting of shade trees.	stoves and stove-pipes; to regulate the construction of smith-shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate
Grading walks.	[the] duties, powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking and repairing them; the cost and expense of repairing sidewalks, grading the walks, streets and alleys, the paving or planking, to be paid by assessment on the lot in front of, or adjoining either

or all which improvements shall be made: *Provided*, That so Provided. much money belonging to the highway fund of said village as the president and trustees may direct, may be expended for grading; to construct and keep in repair the public highways, bridges, Sewers. culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying Highway taxes. and collection of highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, Shows. shows and concerts; to regulate and tax, at their discretion, Peddlers. auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers, and pawn-brokers; to regulate the covering of Mill-races. mill-races, at the expense of the owners thereof; to rail and curb where necessary all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real Levying taxes. estate within the limits of the village, except property belonging to the village, town, county or State, excepting also places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening, or extending streets, lanes, alleys, drains or Taking private property for streets. sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by- Fines and penalties. laws, rules, and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Gun Plain; and any interest the inhabit- Citizens to be competent as jurors. ants of said village may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror or witness therein; and the circuit court for the county of Allegan shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Taxes to
remain a lien
on real estate

Sec. 11. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same is paid.

Annual
statement.

Sec. 12. The president and trustees shall, at the expiration of each year, cause to be made out and published, in some newspaper printed in said village, if one shall be printed therein, and if one is not printed therein, then to be posted upon the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail, all items of receipts and expenditures of the preceding year.

Time when
ordinance
shall take
effect.

Sec. 13. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least one week in a newspaper printed in said village, or until it shall have been posted up for one week in three public places in said village; and an affidavit of the same publication, in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 14. The assessor of said village shall, once in each year, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the owner or occupants, or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and the assessor, that any person

Notice of
time for re-
viewing.

or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor and the president and trustees shall immediately proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of the president and trustees, or a majority of them, directing and requiring the said assessor to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Completion of, and delivery to marshal.

Distress and sale; when authorized.

Special assessment to be legal.

Sec. 15. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress or sale of goods and chattels of the persons so assessed, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chat-

Power of marshal to sell private property.

Surplus to be returned to owner.

tals, on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof to the treasurer of said village, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Real estate;
taxes on.

Sec. 16. The tax upon real estate, with all the assessments for the purposes named in section eleven of this act, shall be put down in the assessment roll by itself, in a column, and whenever such tax or assessment, and all taxes on real estate, returned for non-payment of taxes, as provided for in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction, at some public place in the village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisements posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of said publication, recorded in the manner prescribed in the thirteenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

When treas-
urer may
sell.

Affidavit of
publication
to be deem'd
evidence.

Proceedings
on day of
sale.

Certificate of
purchase.

Sec. 17. On the day mentioned in said notice, the treasurer shall commence the sale of said lands and continue the same from day to day, until so much thereof shall be sold, as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his

heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such certificate, the treasurer, or his Conveyance. successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall invest in the person or persons to whom it shall be given, an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon, and the said conveyance shall be *prima facie* evidence that the sale was regular according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and When may be used as evidence. seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner, and with the like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 18. The treasurer of said village shall receive the same Compensat'n of treasurer. fees, in cases of sales as aforesaid, as are allowed by the law to the county treasurer for like services; and the expenses for the advertising of any land for sale in pursuance of this act shall, by the treasurer, be added to such taxes respectively, as are charged upon land and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

Sec. 19. No money shall be drawn from the treasury, except Money; how drawn. by appropriation of the president and trustees, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Sec. 20. No member of the board of trustees, during his continuance in office, shall become security for the performance of Trustees not to become security, or interested in any contract any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indi-

rectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Highway
fund; how
kept.

Sec. 21. All moneys assessed and raised for highway purposes shall be kept a fund, separate and distinct from the general fund, and no money shall be appropriated or paid from said highway funds, except for highway purposes.

Appointed
officers.

Sec. 22. No officer appointed by the president and trustees, shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president and trustees of the village of Plainwell, and their successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Bonds of.

Suits
against; how
brought.

Marshal;
powers and
duties of.

To be chief
of police.

Sec. 23. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of police, with the powers belonging to constables of any township, having power to enter any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Gun Plain, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

To arrest
disorderly
persons.

To compel
aid at fires.

Proviso.

Sec. 24. The marshal shall, at all times, be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of his official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

To be subject
to control of
president
and trustees.

Sec. 25. A vacancy in the office of marshal, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees; and any vacancy in the number of trustees shall be filled in the same manner.

Vacancies;
how filled.

Sec. 26. The president and trustees shall not receive any compensation for their services; the marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be a full compensation for all services rendered by him; the clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Compensat'n
of officers.

Sec. 27. The corporation shall be allowed the use of the common jail of the county of Allegan, for the imprisonment of any person liable to imprisonment under the by-laws and ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expense of such imprisonment in civil cases.

Corporation
to be allow'd
use of county
jail.

Sec. 28. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from the poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Firemen ex-
empt from
poll tax and
jury service

Trustees to
be commis-
sioners of
highways.

May levy
tax.

Collect poll
tax.

To control
highway
money.

Provided.

Ibid.

Sec. 29. The president and trustees shall be the commissioners of streets and highways within the limits of the village, and shall have the power, and perform the same duties as now by law belong to the commissioners of streets and highways in the several townships of the State, except as to the bridges across the Kalamazoo river and mill-race, and shall appoint one or more overseers of highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars nor less than two hundred dollars in any year; and no other highway taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of fifty years, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section twenty-eight of this act, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt before any justice of the peace of the township of Gun Plain; and the president and trustees shall cause a list to be made and delivered to the marshal in the month of April in each year, of all persons liable to pay said poll tax; and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided,* That their power to order fences to be removed, and to remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also,* That nothing herein contained shall be construed to exempt any person of property in said village from any township tax that may be legally levied within and for the township of Gun Plain, for the repairing, building, or rebuilding of any

bridge within said township; and the commissioners of highways of said township of Gun Plain shall possess the same powers, and are charged with the same duties within the corporation limits of said village, as to the building or rebuilding, and maintaining of the bridge or bridges across the Kalamazoo river or the mill-race, as are now required of them by law; and the township of Gun Plain shall pay the expense of erecting and maintaining such bridge or bridges.

Sec. 30. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, or sewers, within the limits of said village, the president and trustees shall give notice thereof to the owner or parties interested, or his, her, or their agent or representatives, by personal notice, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of said president and trustees for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Gun Plain to issue a *venire facias*, to command the marshal of said village, or any constable of said county to summon and return a jury of twelve freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such ground or premises, which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be

Proceedings
when private
lands are
taken for
public use.

Notice of
meeting.

Summoning
of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

Ibid.

Trustees
may cause
village to be
re-surveyed,
etc.

Proviso.

awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, drain or sewer, or highway shall be made, opened or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purpose aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days; or, in case of the absence of said party from said village, (at the time of rendition of the judgment,) then within thirty days after the verdict of the jury and the judgment of said justice, as aforesaid; upon the filing of a transcript of the proceedings, aforesaid, duly certified by the said justice, within forty days after the verdict and judgment in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Sec. 31. The board of trustees of said village shall have power to cause to be surveyed, platted, and recorded, a description, by number or otherwise, of all lots occupied in said corporation, the expense thereof to be assessed upon the owners of said lots: *Provided*, That no liabilities for the cost of such survey, platting, and recording shall be assessed upon lots already platted and recorded, as now occupied, as of the village of Plainwell, or as additions thereto: *And provided further*,

That lots so platted and recorded have not been subdivided ^{Ibid.} and occupied for business purposes. Such maps or plats shall ^{Maps; contents of.} particularly set forth and describe all grounds included within such plats by boundaries, courses, and extents, and all the lots shall be numbered in progressive numbers, and their precise lengths and breadths be given. Such maps shall be made by ^{How to be made.} and under the direction of the president of the village board, and shall be acknowledged by the president of the board before a notary public or justice of the peace for the county of Allegan. For the purpose of assessment, gift, grant, or devise, ^{Effects of.} such maps or plats shall have the same force and effect as if made by the owners of the lots so platted; and the lots so platted may be assessed, granted, sold or devised, by number or otherwise, and such assessment, grant, sale, or devise shall be considered legal, to all intents and purposes.

Sec. 32. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation ^{Who eligible to office.} six months next preceding his election, and who shall not be entitled to vote therein.

Sec. 33. This act shall be favorably construed and received ^{Public act} in all courts as a public act, and copies thereof, printed under the direction of the Legislature, shall be received as evidence, without further proof.

Sec. 34. This act shall take immediate effect.

Approved March 26, 1869.

[No. 356.]

AN ACT to incorporate the village of Nashville.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all that tract of country situate in the townships of Castleton and Maple Grove, in the county of Barry, and distinguished and designated on the plat in the land office of the district, as sections thirty-five and thirty-six, and the south half of sections twenty-four and twenty-five, in town three north, of range

seven west, and the north half of sections one and two, in town two north, of range seven west, be and the same is hereby constituted a village corporate, to be known by the name of the village of Nashville.

Officers;
when and
where
elected.

Terms of
office.

Proviso.

Body cor-
porate and
politic.

Common
council to
appoint cer-
tain officers.

Sec. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the annual village election, to be held on the first Tuesday of April next, at the office of Lewis Durkee, in the village of Nashville, viz: one president, one recorder, one treasurer, one assessor, and six trustees. Three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the first Tuesday after the next annual township meeting, there shall be elected by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified: *Provided*, That if any election of such officers shall not be made on said first Tuesday of April, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act.

Sec. 3. The president and trustees of said village shall be a body corporate and politic, under the name of the common council of the village of Nashville, and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law or equity, and in all other places whatever; and may have a common seal, and may alter and change the same; and by the same name are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said village.

Sec. 4. The common council shall appoint annually a village attorney and a village marshal; the common council may also appoint an overseer or overseers of highways, and all such

other officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council.

Sec. 5. No person shall be elected or appointed to any office created by this act, unless at the time of such election or appointment, he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment. All officers to be electors.

Sec. 6. All officers elected under the provisions of this act, and all officers appointed by the common council shall, within ten days after notice of their election or appointment, take and subscribe, before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully discharge the duties of his office, according to the best of his ability, and file the same with the village recorder; and every such officer, before he enters upon the duties of his office, and within the time limited for filing his official oath, shall file with the village recorder, such security for the due performance of the duties of his office as may be required by law, or by any order of the common council, to be approved by the common council. Officers to take oath and file bond

Sec. 7. All officers elected or appointed in pursuance of this act, shall enter upon the duties of their offices immediately upon filing the required oath and security; all officers elected to fill a vacancy shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its terms of appointment, or until the common council revoke their appointment or accept the resignation of such officer. When shall enter upon their duties.

Sec. 8. The president and trustees shall each receive, for services rendered by them as inspectors of elections and when determining what persons are elected to office, as provided in section eighteen, such compensation as shall be allowed by law Compensat'n of officers.

to inspectors of elections in the several townships of this State; but for all other services rendered by them, they shall receive no compensation; the treasurer, recorder, assessor, and all officers appointed by the common council, shall each receive such compensation for their services as the common council shall from time to time direct, by resolution entered upon their records.

Removal of
officers

Sec. 9. The common council shall have power to remove from office the marshal, and any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council; but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Resignations.

Sec. 10. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the common council, subject to their approval or acceptance.

When office
shall be
deemed
vacant.

Sec. 11. If any officer elected or appointed to any office of the corporation shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act shall neglect to file their oath of office as in this act directed, or shall neglect to file an official bond when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve; and in case of such neglect, the common council may proceed immediately to cause such office to be supplied, as in case of vacancy.

Vacancies;
how filled.

Sec. 12. In case a vacancy shall occur in the office of president, trustee, recorder, treasurer or assessor, the same shall be supplied by a special election; and in all other cases of vacancy, the same may be supplied by appointment of the common council.

Who to be
electors.

Sec. 13. The inhabitants of said village, being electors under the constitution of the State of Michigan, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged

by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village" instead of "township" being used in the oath.

Sec. 14. The annual village election shall be held on the first Tuesday of April, in each year, and special elections may be held at such times as the common council shall, by resolution entered upon their records, designate. Annual elections; when to be held.

Sec. 15. Notice of the time and place of holding any election shall be given by the village recorder ten days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election, as fully as the same is set forth in the resolution appointing such election; and on the day of elections held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall continue open until four o'clock in the afternoon of the same day. Recorder to give notice of election. Time of opening and closing polls.

Sec. 16. The common council of said village, or any three members thereof, shall be the boards of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, then any one of the trustees may act as clerk. At the first election held under this charter, there shall be chosen by the electors present, from their number, three inspectors of election, who shall take the oath and conduct such election as provided by this act. Inspectors and clerk of election.

Sec. 17. Elections held in pursuance of the provisions of this act shall be conducted, as nearly as may be, in the same manner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided; and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State. Manner of conducting elections

Proceedings
on day of
election.

Sec. 18. It shall be sufficient to keep but one poll list at any election held for said village; and when the inspectors, holding any election, shall have completed the canvass of votes, they shall thereupon certify and declare, in writing, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificate shall have been so filed, the common council shall convene at their usual place of meeting, and there determine what persons are elected to the several offices respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot which of such persons shall be considered elected.

Recorder to
notify per-
sons of their
election.

Sec. 19. It shall be the duty of the village recorder, within five days after the meeting and determination of the common council, as provided in section eighteen, to notify each person elected, of his election, and also within five days after the common council shall appoint any person to any office, the recorder shall notify such person of such appointment.

Expenses
of election;
how paid.

Sec. 20. The expenses of all elections to be held as provided by this act, shall be chargeable to said village, and paid as are other contingent expenses.

Extra duties
of officers.

Sec. 21. Each and all of the officers of said village, including firemen and officers of the fire department, and such other officers and agents as may be appointed by the common council shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by virtue of any ordinance of said village, or by any order or resolution of the common council.

Sec. 22. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be appointed or removed by the common council, and to examine all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more policemen or watchmen, who shall be conservators of the peace, and who shall have the same power to make arrests and suppress disturbances as is conferred by this act upon the village marshal.

Officers;
powers and
duties of.

President to
see that all
officers per-
form their
duties.

To recom-
mend meas-
ures to com-
mon council.

To appoint
policemen,
etc.

Sec. 23. It shall be the duty of every trustee in said village to preside at elections when necessary, to attend the regular and special meetings of the common council, to vote upon all motions, to act upon committees when thereunto appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

Trustees to
attend meet-
ings, etc.

Sec. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act.

Trustees not
to become
surety or be
interested in
any contract

Recorder to
keep corpo-
rate seal.

To make
record of
ordinances.

To keep all
accounts.

reasurer
to keep all
moneys.

To make
statements
of receipts
and expendi-
tures.

Marshal to
be chief of
police.

To arrest
offenders.

Sec. 25. The village recorder shall safely keep the corporate seal, and all the books, papers and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn.

Sec. 26. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder, and countersigned by the president; and he shall exhibit to the common council, as often and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement, showing the financial condition of the treasury, and all other matters relating to his office.

Sec. 27. The village marshal shall be chief of police of the village, and he shall see that the laws are enforced; it shall be his duty to collect village taxes; to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by laws on constables elected in townships; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such person before any justice of the peace of the town of Castleton, to be dealt with as the laws and or-

finances of said village shall provide, and may apprehend and imprison any person found drunk in the streets of said village, until such person shall become sober; and he shall have power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any breach of the peace is being committed; and is authorized to command the assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his ^{To enter disorderly houses.} *Provido*. serving processes by justices of the peace in civil cases.

Sec. 28. The president and trustees, when assembled and ^{Common council; who to constitute} duly organized, shall constitute the common council of the village of Nashville, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, except by a vote of two-thirds of the members of the common council.

Sec. 29. The common council shall meet at such times and ^{When shall hold its meetings.} places as it shall determine, and at such other times and places as the president, or in case of his absence the president *pro tempore* shall appoint; the common council shall have power to ^{Power of, to levy taxes.} impose, levy, and collect such fines as it may deem proper for the non-attendance of the officers and the members thereof, at its meetings, and also to require the attendance of any of the officers of said village at any of its meetings, and to impose fines for non-attendance. The common council shall, at its first ^{May appoint president pro tem.} meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council; and if, at any meeting of the common council, neither the president nor president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Rules for
proceedings
of.

Sec. 30. In the proceedings of the common council each member shall have one vote, and where there shall be a tie, the president shall give the casting vote; whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting, shall be entered at large in the minutes; and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing any property in said village, or the citizens of said village. And all the proceedings of the common council shall be published as soon as may be, in at least one newspaper printed and published in said village.

May pass
laws relative
to—

Streets.

Finances.

City
regulations.

Vice.

Vagrants.

Houses of
ill-fame.

Gaming.

Sec. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control, and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds in said village; of the finances, rights and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper within said village, in relation to and for the following purposes:

First. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances, and disorderly assemblages, to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons, to punish lewd and lascivious behavior in the streets and other public places.

Second. To suppress and restrain all disorderly houses and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof, and to prevent every

species of gaming, and to restrain, regulate and suppress billiard tables and bowling alleys.

Third. To prevent the selling or giving away of any spirit-^{Liquors.}uous or fermented liquors to any drunkard, minor or apprentice.

Fourth. To prohibit and regulate the sale of all goods, wares^{Auctions.} and personal property at auction, except in cases of sales authorized by law.

Fifth. To license and regulate auctioneers, peddlers and^{Peddling.} pawn-brokers, and auctions and hawking and peddling, and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand or otherwise, in the public streets.

Sixth. To prohibit, restrain, regulate and license all sports,^{Concerts.} exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money.

Seventh. To prevent the violation of the Sabbath, and to^{Saloons.} require all saloons, drinking-houses, shops, and other places of business, to be closed on the Sabbath day, and at reasonable hours of the night on week days.

Eighth. To prohibit, prevent, abate and remove all nuisances^{Nuisances.} in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of said village, at the expense of the persons creating or continuing the same.

Ninth. To compel the owner or occupant of any grocery,^{Groceries,} tallow-chandler shop, soap or candle factory, butcher-shop or^{etc.} stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous or unwholesome place, house or thing, to cleanse, remove or abate the same whenever the common council shall deem it necessary for the health, comfort or convenience of the inhabitants of said village.

Slaughter
houses.

Tenth. To direct the location and regulation of all slaughter-houses in said village, and to prohibit their location within said village.

Hazardous
occupations.

Eleventh. To regulate, restrain, and prohibit the location of shops, and the carrying on of mechanical and other trades and vocations which the common council may deem unsightly, dangerous or injurious, in such places and parts of said village as the common council may designate.

Gunpowder.

Twelfth. To regulate the buying, selling and using of gunpowder, fire-crackers and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village.

Sewers.

Thirteenth. To prevent the incumbering or obstructing of streets, sidewalks, cross-walks, lanes, alleys, gutters, sewers, water-courses, bridges and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of, and adjacent thereto, of snow, ice, dirt, and every incumbrance and obstruction.

Shade
trees.

Fourteenth. To regulate and require the setting and securing of shade trees in the streets of said village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, signboards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same.

Awnings.

Horse-racing

Fifteenth. To provide against horse-racing, and immoderate riding or driving in any street or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving.

Sixteenth. To regulate the speed of locomotives, engines and Locomotives cars upon the railroads within said village.

Seventeenth. To regulate and prohibit bathing in the public Bathing waters within said village.

Eighteenth. To establish one or more pounds, and to regulate Pounds and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese or other poultry, in the streets and public places in said village, and to authorize the taking up, impounding, and sale of the same, for the penalty incurred, and the costs of keeping and impounding, and to punish for rescuing the same, before all costs and charges are paid.

Nineteenth. To regulate the ringing of bells and the crying Ringling of bells. of goods, and to prevent disturbing noises and obscene and profane language in the streets.

Twentieth. To provide for the lighting of the streets and Lighting streets. alleys, and the protection of the public lamps.

Twenty-first. To impose taxes on the owners or keepers of Dogs. dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction, whenever running at large in violation of any ordinance of said village.

Twenty-second. To provide burial places, and to regulate and Burial places prohibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village.

Twenty-third. To regulate and establish the line upon which Building lines. buildings may be erected upon any street, lane, or alley in said village, and to compel such building to be erected upon such line, by fine upon the owner thereof, not exceeding five hundred dollars for each offense.

Twenty-fourth. To establish, order and regulate markets; to Markets. regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, Hay, wood, etc. lumber, and coal, and to designate the stand or stands for

wood, hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of fire-wood.

Drays.

Twenty-fifth. To license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe the rates of fare and charges for the same.

Tavern-keepers.

Twenty-sixth. To license persons to engage in and exercise the business or occupation of tavern keeper, inn-holder, common victualer, and saloon keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business without such license: *Provided*, That no license shall authorize the sale of spirituous or malt liquors.

Proviso.

Weights and measures.
Fire limits.

Twenty-seventh. To appoint a sealer of weights and measures.
Twenty-eighth. To establish fire districts, within which no wooden buildings shall be moved, built, enlarged, placed, or allowed to stand or remain.

Party walls.

Twenty-ninth. To regulate and prescribe the manner of constructing party walls, chimneys and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed

Fires.

dangerous in causing or promoting fires, and to make all such ordinances, by-laws and regulations, as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and

Fireplaces, chimneys, etc.

suppression of fire; and for the purpose of enforcing such ordinances, by-laws and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling houses, buildings and tenements of every description, and all lots, yards and inclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the owner or occupants of the building in which the same may be; and every building or structure that shall be

constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand or remain in violation of or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down, and removed by direction of the common council, at the expense of the owner or occupant, or person who caused such nuisances. Unsafe buildings.

Thirtieth. To prohibit the maintaining of lumber yards, the keeping, piling and storing of fire-wood, timber, lumber, or other easily combustible material within the limits of any fire district. Lumber yards.

Thirty-first. To construct reservoirs wherever needed, and to provide for the supplying the same with water; to build bridges, to construct sewers, drains and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds and parks in said village; to construct, repair and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground or place in said village; to fill up, drain, cleanse, and regulate any grounds, yards, basins, cellars or vaults within said village that may be sunken, damp, foul, incumbered with rubbish or unwholesome matter; and to make such other public improvements as may conduce to the general good and prosperity of said village or any part thereof; and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order and good government of said village. Reservoirs. Wells. Repairing sidewalks. Drains, etc. Necessary regulations.

Sec. 32. The common council shall have power to establish, maintain and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the Fire department. Firemen and their privileges.

approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks and ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view to the keeping of the same in perfect order and repair; and upon any alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire with the engine and other implements of the company, and be subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department.

When shall
meet.

Duties of,
at fires.

Chief engi-
neer; when
elected.

Sec. 83. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as engineer in case of the absence or disability of the chief.

Marshal may
compel aid
at fires.

Sec. 34. The marshal and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto, as they may deem necessary.

Firemen to
be exempt
from poll tax
and jury
service.

Sec. 35. Every person belonging to an organized fire company in said village may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as

such, shall be exempt from serving on juries, and from paying a poll tax in said village.

Sec. 36. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, and vacate and improve such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village, as they shall deem necessary for the public good and convenience; and if in the doing thereof the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises, or property required, and the purpose for which the same are to be used; and that the common council will meet, on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents or representatives, by a personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if for any other cause there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept, under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable of the county of Barry, commanding him to summon a jury of twelve disinterested freeholders of the township of Castleton, to appear before any justice of the peace of the township of Castleton, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds,

Common council to lay out streets

Proceedings when private property is taken.

Notice of meeting.

Council to treat with owner.

Summoning of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner

Claimant to
pay costs
when no
damages are
allowed.

Proviso.

premises or property; which jury being duly sworn by said justice faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damage and recompense as they shall deem fit to be awarded to the owner or owners or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, persons or claimant, before such street, highway, alley, lane, water-course, square, market-place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of Barry, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of said justice therein as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing altering, straightening, widening or extending such street, lane, alley, square, water-

course, market-place, or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided further*, That if ^{Ibid.} the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Sec. 37. The common council is authorized to cause such of the streets, highways, alleys, and lanes in said village, as shall have been used for six years or more prior to the passage of this act as public highways, streets, lanes or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described, and recorded in the office of the village recorder, in a book to be denominated the book of "street records," and the common council shall cause a survey or description and plat of every public ground, highway, park, street, lane, and alley, or part thereof, which shall hereafter be opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "street records," and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley, or that part therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane, or alley, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

^{Book of "street records;" contents of.}

^{To be taken as evidence.}

Sec. 38. The common council shall have power to assess and levy, at any time, by a special tax, the expense of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curb-stones and culverts therein; of grading, paving, or planking and repairing sidewalks; of draining

^{Common council may assess expenses of grading.}

low lands, or making drains and sewers, and other public improvements upon the lots, premises, and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers, or other improvements, and upon other lots and premises, which in the opinion of the common council are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, which shall be exclusive of, and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

May pass by-laws relative to mode of assessing.

May require owners to repair sidewalks.

Tax; persons paying, to be exempt from highway.

Proceedings when persons refuse to build walk, etc.

Sec. 39. Whenever the common council shall deem it expedient, they may, by ordinance, resolution or otherwise, require the owners and occupants, or either, of land in said village, or any specified part thereof, to construct, repair, maintain and reconstruct sidewalks, pavements and other street improvements, in any street, lane, or alley adjoining their respective lots or premises, to the middle of such street, lane or alley, in such manner and with such materials as the common council, by ordinance, resolution or otherwise, may direct; but with reference to paving, this shall apply only to streets that are graded, and when enforced for the purpose of paving any such streets, outside of the sidewalks, on such streets, the paving may be done at the public expense, or if assessed upon the property adjoining that portion of said streets ordered to be paved, said property assessed for paving may be exempted from further taxes thereafter, for highway purposes, in the discretion of the common council; and if the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served or published, as the common council may direct, by ordinance, resolution, or otherwise, shall fail or neglect to construct, repair, maintain, and reconstruct any sidewalk or pavement, or other street improvement, or to plank any street, or to clear away any snow, ice, or other obstruction, from any sidewalk adjoining to such lot or

premises, within such time and in such manner and with such materials as the common council may prescribe or require, by ordinance, resolution, or otherwise, the common council may cause the same to be done at the expense of the village; and such expense shall be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the amount of the general village tax, on such lot or premises, in the tax roll next thereafter to be made; and the amount so added shall be a lien on the premises, in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

Taxes to remain a lien on real estate.

Sec. 40. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of June in each year, determine, by resolution, the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied shall not exceed, in any one year, the sum of three thousand dollars, unless the qualified electors of said village shall determine at the annual village election to increase that amount, by a majority vote of all the qualified electors, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, which amount so determined to be levied, shall be exclusive of and in addition to any taxes which may be levied by virtue of any provisions in this act, as a special assessment for public or local improvements; and every tax, lawfully imposed by the common council upon any lands, tenements and hereditaments in said village, shall be and remain a lien upon such lands, tenements and hereditaments, until the same shall be paid.

Power of council to raise taxes for village purposes.

Proviso.

Tax a lien on lands.

Sec. 41. The common council shall have power to assess and collect, from every male inhabitant of said village, being over

Poll tax

the age of twenty-one and under fifty years, (except paupers, idiots, lunatics, and other persons who are by law exempt,) an annual capitation or poll tax, not exceeding one dollar, and may provide by ordinance for the collection of the same.

Assessment
roll; con-
tents of.

Sec. 42. The assessor of said village shall, once in each year, between the second Monday of April and the first Monday of May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall estimate and set down in such roll, the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be so made and completed, the assessor shall immediately give notice thereof, by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village, for ten days next previous to the time for review therein stated; and such notice shall give the time when and the place where he will be and have said roll for inspection and review; at the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation, on sufficient cause being shown, on oath, to the satisfaction of the assessor, which oath the assessor is hereby

Notice of
time for
reviewing

Corrections.

When de-
livered to
recorder.

Sec. 43. It shall be the duty of the common council, once in Council to complete. each year, and immediately after the assessor shall have delivered said assessment roll to the recorder, as provided in section forty-two, to estimate and cause to be set down, in a column opposite to the several sums therein set down as the value of real and personal estate, the respective sums, in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself. Any special tax or assessment for public or local improvements, authorized by any provision of this act, may be included in said assessment roll, and shall be set down in a column by itself, opposite the proper description. Any poll tax or tax Tax of dogs included. upon the owners or keepers of dogs, authorized by this act, may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes. The com- Copy to be given to marshal with orders to collect. mon council shall cause a copy of said roll, when completed as aforesaid, to be made, and shall annex to such copy a warrant, under the hands of the president and recorder, commanding the marshal to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant; and said warrant may be renewed from time to time, as the common council may deem best.

Sec. 44. The marshal, upon receiving the said copy of tax Marshal to collect. roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, wherever found within said village, together with the costs and charges of such distress and sale, and may take any property that can

When may
sell property
for taxes.

be taken by township treasurers in the collection of taxes; and he shall give the same notice, and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the revised statutes of this State.

Return
of unpaid
taxes.

Sec. 45. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor, upon diligent inquiry, to discover any goods or chattels subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village within five days thereafter.

Recorder
authorized
to sell lands
for taxes.

Sec. 46. The recorder, after such statement and copy of roll shall have been delivered to him, shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands returned in said statement on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council to cover expenses of such sale: *Provided*, That when a less amount than the whole tract is sold for such tax, the portion so sold shall be off the north side of said tract or parcel, first giving at least thirty days' notice of the time and place of sale by advertisement posted up in three of the most public places in said village, which advertisement shall contain a description of the land, and the name of the owner, if known, and the amount of taxes and expenses for the

Proviso.

Notice of
time and
place of sale.

non-payment of which it is to be sold, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, once in each week for four successive weeks preceding said sale. On the day mentioned in said notice the recorder shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for the said taxes and expenses, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser therefor; upon the completion of said sale, the recorder shall deliver to the treasurer of said village a certified statement thereof, containing a description of the lands sold, the date of sale, the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer in a book to be provided and kept by him for that purpose, and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Proceedings
on day of
sale.

Proviso.

Recorder to
give treas'r
statement of
sale.

Sec. 47. Any persons claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the day of sale, redeem any such land or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent. per annum, from the date of sale, for the use of the purchaser; but in no case shall the interest be computed for a less time than three months, whereupon the treasurer shall make and deliver to the person making such payment a certificate of the redemption thereof.

Time for
redemption.

Certificate of
sale.

Conveyance.

When may
be used as
evidence.

Justices of
the peace;
powers and
duties of.

To try cases
for recovery
of fines, etc.

Sec. 48. Upon the presentation of any such certificate of sale to the recorder of said village, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall, unless such lands have been redeemed as aforesaid, or the certificate of sale canceled as hereinafter provided, execute to the purchaser or purchasers, his, her, or their heirs, assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made, an estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessor to the date of the deed inclusive; and every such conveyance, executed by the recorder under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in all the courts of this State, in the same manner and with like effect as any other conveyance of real estate, or any interest therein; and the common council may, upon satisfactory evidence upon oath, of the payment of any tax upon real estate, and that the same has been returned wrongfully for non-payment, by mistake or otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money.

Sec. 49. Any of the justices of the peace of the township of Castleton are hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justice shall have power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties or forfeitures, for alleged violations or infringements of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to

some other court. The proceedings in all such actions and prosecutions shall be according to and governed by the general laws and rules of practice in this State, applicable to courts of justices of the peace.

Sec. 50. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any offense or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and *certiorari* from the justice's court to the circuit court for the county of Barry, shall be allowed to the parties on the same terms, and the same bond shall be given as is or may be required by law in cases of *certiorari*, or appeals from justices' courts in other cases.

Sec. 51. Whenever a conviction is had or a judgment rendered for any fine, penalty or forfeiture for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit; and execution therefor may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to prison, if it be so adjudged and according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of any such justice, he shall issue necessary process to carry such judgment into effect.

Sec. 52. The common council shall have power to impose fines, penalties and forfeitures, not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof; and the several justices of

Justice to
imprison
offender
when neces-
sary.

the peace of said township of Castleton shall have power, in all cases, where by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of Barry; and it is hereby made the duty of the keeper of said county jail to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction.

Village
prison.

Sec. 53. The common council shall have power to erect and maintain in said village, a village prison, and any person convicted of a violation of this act, or of any by-law or ordinance made by the common council of said village, or of any law of the State, may be imprisoned in said village prison during the time that shall elapse between the time of arrest and time of trial or examination; and the common council shall have power to make all necessary rules and regulations for the government of said prison, and to appoint a keeper thereof.

Council au-
thorized to
enforce its
powers.

Sec. 54. Whenever, by the provisions of this act, any power or authority is given or duty imposed upon the common council, the common council may enact such ordinances and establish such rules and regulations as may be necessary to carry into effect such powers and authority, and to regulate the performance of such duty.

Suits; how
brought.

Sec. 55. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of "The People of the State of Michigan;" and in any such suit or prosecution, it shall not be necessary to set forth in the complaint or warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation or offense complained of, and to allege the same to have been committed in violation of the provisions

of an ordinance or by-law, as the case may be, of the village of Nashville, referring thereto by its title; and all process issued by any justice of the peace in any [such] suit or proceeding, shall be directed "To the marshal of the village of Nashville;" and the same may be executed within the counties of Barry and Eaton.

How process shall be directed.

Sec. 56. The style of all ordinances shall be, "The common council of the village of Nashville ordain;" the time when any by-law or ordinance passed by the common council shall take effect, shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published two weeks successively, in a newspaper printed and published in said village, or by written or printed notices, posted up in three of the most public places in said village; and like notice shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution and laws of the United States, or of this State.

Style of ordinances.

Proviso.

Ibid.

Sec. 57. All fines, penalties and forfeitures, recovered for any violation of the provisions of this act, or of the by-laws and ordinances made in pursuance thereof, and all money received for licenses, or from other sources belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any person who shall refuse or neglect to pay the same, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

All moneys received for fines to be paid to treasurer.

Sec. 58. In suits or proceedings in which the common council of the village of Nashville shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of

Citizens to be competent as jurors.

Proviso. such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Annual statement; contents of.

Sec. 59. The common council shall, in the month of February, in each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity, during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it, not previously audited, and shall make out, in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under each appropriation, the amount of taxes raised, the amount expended on streets, the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Accounts to be audited by affidavit.

Sec. 60. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with its proper dates, in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Power of council to borrow money.

Sec. 61. The common council of said village may borrow, for the time being, in anticipation of receipts from general village taxes, and particularly in anticipation of receipts from the sale of cemetery lots, as hereinafter in this section provided, such sums as they may deem necessary, not exceeding twenty-five hundred dollars, for the purpose of purchasing land for a village cemetery, and may issue the bonds of the village therefor, which bonds shall be signed by the president.

To issue bonds.

recorder and trustees of said village, and shall be so drawn that no greater amount than two hundred dollars of the principal thereof, exclusive of interest, shall become due in any one year; and the bonds so issued, and the money so borrowed, shall be a separate and distinct fund, to be known as the "cemetery fund;" and the common council are hereby authorized and empowered to locate, either within or without the limits of said village, and purchase with said fund, for such purpose, a tract of land not exceeding twenty acres, which shall be conveyed to said common council; and the common council are hereby authorized and empowered to have the management, control and supervision of any such ground so purchased by them, and shall cause the same to be properly surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered thereon, and also their size, situation and extent, with the width, extent and location of all the streets, alleys or walks in such grounds, which maps shall be certified by said council to be a correct map of the cemetery ground of said village; one of said maps shall be filed in the office of the recorder of said village, and one in the office of the register of deeds of the county in which such ground is situated; and the common council may contract, sell, and convey the lots in said ground, and the proceeds thereof shall be appropriated for the following purposes, in the order mentioned:

First. To defray the expenses of said survey and maps.

Survey, etc.

Second. For fencing around said ground, and for making such other improvements as the common council may deem necessary and important should be done without any further delay, such improvements to be discretionary with the common council.

Fencing ground.

Third. To pay for said ground, or to redeem, pay, and cancel any bonds of the village that may have been issued in payment for said ground.

To pay for ground, etc.

To improve
cemetery.

Treasurer to
keep account

Potter's
field.

Sexton;
powers of.

Council au-
thorized to
purchase
engine.

Proviso.

Fourth. To improve, ornament and beautify said ground and the appurtenances thereto belonging, and for such other purposes relating to said cemetery as the common council may deem best. All moneys received for lots sold, or in any way accruing to the credit of said fund, shall be immediately paid by the person receiving the same, to the treasurer of said village; and it shall be the duty of such treasurer to keep in a proper book, a separate and distinct account with said cemetery fund, charging thereto all moneys which the council may advance and appropriate to the use of said cemetery ground out of the general funds of the village, and crediting thereto all moneys received by him belonging to said fund; the common council may set off a part of said ground as a "potter's field," and under proper regulations permit the dead to be buried therein; the common council may also appoint a sexton to take charge of and watch over such ground, who, by virtue of such appointment, shall have the powers of a village policeman, and may arrest, without process, any person found violating any ordinance or by-law of said village relating to said ground, the property and appurtenances thereunto belonging; and the common council are hereby authorized and empowered to enact all such ordinances and by-laws as they may deem necessary for the protection and preservation of the monuments, tombstones, bridges, trees, shrubbery, property, ornaments and improvements therein, and the grounds thereof, and the fences in and around the same, and for the orderly conduct and good government thereof.

Sec. 62. The common council of said village may borrow, for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That the common council shall not borrow to exceed five thousand dollars, for the purpose of buying a fire engine and other

necessary fire apparatus, unless authorized to borrow a greater amount by a majority vote of the qualified electors of said village, at their annual village election, which vote may be taken *viva voce* or otherwise, as the council shall determine and direct: *And provided further*, That no greater amount than one thous- ^{Ibid.} and dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year.

Sec. 63. This act shall be deemed a public act, and shall be ^{Public act} favorably construed in all courts and places.

Sec. 64. This act shall take immediate effect.

Approved March 26, 1869.

[No. 357.]

AN ACT to organize the township of Hamlin, in the county of Eaton.

SECTION 1. *The People of the State of Michigan enact*, That ^{Township organized.} township number one north, of range number three west, be and the same is hereby set off from the township of Eaton Rapids, and organized into a separate township, by the name of Hamlin, and the first township election thereof shall be held at the house of Duty Gorton; and David B. Bradford, Solomon C. Perrine, and George A. Armstrong are hereby authorized to act as inspectors of election at said meeting, which meeting shall be held on the first Monday in April, in the year eighteen hundred and sixty-nine.

Sec. 2. All indebtedness of the township of Eaton Rapids, ^{How indebtedness shall be paid.} and all the property belonging thereto, shall be liquidated, paid and distributed between each of the towns organized, upon the following basis: The assessment roll of eighteen hundred and sixty-eight shall be the basis for computation, and each of the towns shall pay its proportion of the indebtedness and obligations incurred by the town of Eaton Rapids, in proportion to

the property contained within its limits as shown by said roll, and shall receive in distribution of the property of such organization its proportion, to be ascertained in the same manner.

Sec. 3. This act shall take immediate effect.

Approved March 26, 1869.

[No. 358.]

AN ACT to authorize the appointment of a drain commissioner in and for the county of Ionia, for a special purpose.

Drain commissioner;
duties of.

SECTION 1. *The People of the State of Michigan enact, That* the judge of probate for the county of Ionia shall, upon the application of twenty freeholders made in writing, appoint one drain commissioner for said county, whose duty it shall be to superintend the expenditure of any and all money now in the county treasury of said county, belonging to any unfinished drain in said county of Ionia, under the provisions of an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine, so far as the same may be applicable, and who shall hold his office until all moneys as aforesaid, shall be faithfully appropriated for the purposes for which the same was raised, or until a drain commissioner or commissioners be elected or appointed as provided for in the aforesaid recited act.

Term of
office.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 359.]

AN ACT to authorize the First Methodist Episcopal Church and Society of Franklin, Lenawee county, to sell and convey a portion of their church property.

Trustees
authorized
to sell and
convey real
estate.

SECTION 1. *The People of the State of Michigan enact, That* the trustees of the First Methodist Episcopal Church and Society of the township of Franklin, in the county of Lenawee,

be and are hereby authorized to sell and convey such part of the church lot belonging to said society, as they shall deem best: *Provided*, That no such sale and conveyance shall be made until the members of said church and society shall, at a legally called meeting of said church and society, by a vote of two-thirds of those present and voting, so direct. Proviso.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 360.]

AN ACT to amend an act entitled "An act to revise the charter of the village of Hudson," being act number two hundred and sixty-six, of the session laws of eighteen hundred and sixty-seven, approved February twenty-seventh, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That sections thirty-six, forty-nine, fifty-two, fifty-six, and fifty-seven of an act entitled "An act to revise the charter of the village of Hudson," being act number two hundred and sixty-six, of the session laws of eighteen hundred and sixty-seven, approved February twenty-seventh, eighteen hundred and sixty-seven, be and the same are hereby amended, so that said sections shall read respectively as follows: Sections amended.

Sec. 36. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close, vacate or improve such streets, highways, alleys, lanes, water-courses, squares, market places and public parks in said village, as they shall deem necessary for the public good and convenience. And if, in the doing thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same is to be used, and that the Power of council to lay out streets.
Proceedings when private property is taken.

Notice of
meeting.

Council to
treat with
owner.

Summoning
of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

common council will meet on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents or representatives, by personal service of a copy of such resolution, [or by publication of a copy of such resolution in a public newspaper,] published in said village, once in each week for three successive weeks next previous to the time appointed in said resolution for the meeting of said common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if for any other cause there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept, under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable of the county of Lenawee, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before any justice of the peace of the township of Hudson in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury, being duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds, premises or property for their respective damage or losses, according to their several interests or estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or person entitled thereto, if re-

siding in said village, and if not residing therein, to be paid into the village treasury for the use of said party, person or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of Lenawee, upon giving notice of his or their intention so to do to the said justice in writing within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of said justice therein as aforesaid, such appellant first giving bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane, alley, square, water-course, market place or public park as aforesaid; and upon filing in said circuit court the said bond and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justice courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Claimant to
pay costs
when dam-
ages are not
awarded.

Proviso.

Ibid.

Justices of
the peace;
powers and
duties of.

To try
offenses.

Punish
offenders.

Recover
fines.

Sec. 49. Any justice of the peace of the township of Hudson is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council in pursuance of the powers granted by this act, and to punish offenders as by the said laws and ordinances shall be prescribed or directed; and such justice shall have power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties or forfeitures for alleged violations or infringement of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to some other court. The proceedings in all such actions and prosecutions shall be according to, and governed by the general laws and rules of practice applicable to the several courts of this State in other cases.

Power of
council to
impose fines.

Sec. 52. The common council shall have power to provide by ordinance for imposing fines, penalties and forfeitures of any amount, not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court hearing, trying and determining the same, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof.

When justice
may sent'nce
to jail.

And any justice of the peace of said township of Hudson shall have power in all cases where, by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the county jail of the county of Lanawee.

Duty of
jailor.

And it is hereby made the duty of the keeper of said county jail to receive and safely keep such persons during the time for which they shall be sentenced respectively, as in other cases. And in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to the house of correction in Detroit.

Sec. 56. The style of all ordinances shall be, "The common ^{Style of ordinances.} council of the village of Hudson ordain." The time when any by-law or ordinance passed by the common council shall take effect shall be prescribed therein: *Provided*, That no by-law or ^{Proviso.} ordinance shall be operative until the same shall have been published for two weeks successively, once in each week, in a newspaper printed and published in said village, or by written or printed notices posted up in three of the most public places in said village; and like notice shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no ^{Ibid.} by-law or ordinance of said village shall be, in its provisions, repugnant to the constitution and laws of the United States or of this State.

Sec. 57. All fines, penalties and forfeitures recovered for any ^{All fines, penalties, etc., to be paid to treasurer.} violation of the by-laws and ordinances made in pursuance of the provisions of this act, and all money received for licenses or from other sources, belonging to said village, shall be paid to the treasurer of said village, by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any officer of said village collecting such money as aforesaid, who shall refuse or neglect to pay over the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 361.]

AN ACT to amend an act entitled "An act to provide for the protection and preservation of fish in certain lakes in the county of Cass," approved March twenty-sixth, eighteen hundred and sixty-seven.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section two, of act number four hundred and fifty-one, of the session laws of eighteen hundred and sixty-seven, be so amended as to read as follows:

Destruction
of fish
forbidden.

Sec. 2. It shall not be lawful to capture, kill or destroy any fish in any of the lakes in the first section of this act mentioned, except only that fishing with hook and line shall not be deemed unlawful between the first days of May and October, in each year. The provisions of this section shall not apply to any part of said townships except that covered by the waters of Diamond lake in the townships of Jefferson, Calvin, Penn and LaGrange, and of Stone lake in the township of LaGrange.

Sec. 2. Section four of said act is hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 30, 1869.

[No. 362.]

AN ACT to designate the place of holding the annual township meeting in the township of Manistee, on the first Monday of April, in the year one thousand eight hundred and sixty-nine.

Township
meeting
provided for.

SECTION 1. *The People of the State of Michigan enact, That* the annual township meeting in the township of Manistee, in the county of Manistee, on the first Monday in April, in the year one thousand eight hundred and sixty-nine, shall be held at the school-house in school district number two, in said township.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office.

I, OLIVER L. SPAULDING, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State for the present year, was April fifth, one thousand eight hundred and sixty-nine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan,
[L. S.] at Lansing, this thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-nine.

OLIVER L. SPAULDING,
Secretary of State.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws, were in the engrossed copies, as passed by the Legislature, but not in the enrolled copies.

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